

***United States Court of Appeals
for the Second Circuit***



**SUPPLEMENTAL
APPENDIX**

77-1313

To be argued by
PETER R. CASEY, III

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Docket Nos.

	77-1313		
77-1317	77-1350	78-1033	78-1084
77-1344	77-1355	78-1082	78-1085
77-1347	77-1367	78-1083	78-1090

UNITED STATES OF AMERICA, Appellee,

v.

ANTHONY D. VOLPE, MICHAEL O'BRIEN,
LAWRENCE DiBENEDETTO, JOHN T. DELLA FERRA,
CHARLES BOORNAZIAN, EUGENE POULIN, WILLIAM JACOMINI,
RICHARD BOVINO, ROBERT E. MORRIS, FRANK CECCHINI,
GEORGE SPEZIALE, and JOHN LEPITO,

Appellants

UNITED STATES OF AMERICA, Appellee,

v.

ANTHONY D. VOLPE and DENNIS BYRNE,

Appellants.

UNITED STATES OF AMERICA, Appellee,

v.

ANNE CTEFANOU,

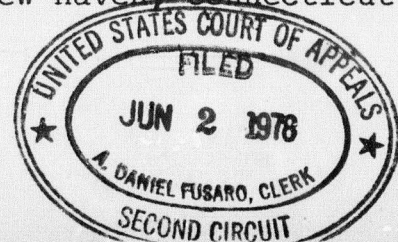
Appellant.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

SUPPLEMENTAL APPENDIX

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U.S. Department of Justice

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PAGINATION AS IN ORIGINAL COPY

TABLE OF CONTENTS

	PAGE
December 16, 1974 Affidavit of Dewey L. Santacroce	1
December 16, 1974 In Chambers Proceeding	41
Response of United States to Motions for Severance	80

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

IN THE MATTER OF THE APPLICATION : United States District Court
OF THE UNITED STATES OF AMERICA : District of Connecticut
FOR AN ORDER AUTHORIZING THE : FILED AT HARTFORD
INTERCEPTION OF WIRE AND ORAL : 9/5 PM, 19 75
COMMUNICATIONS. : Sylvester A. Barnes, Clerk
by: A. M. O.
Deputy Clerk

A F F I D A V I T

Dewey L. Santacroce, Special Agent, Federal Bureau of Investigation, New Haven, Connecticut, being duly sworn, states:

1. I am an "investigative or law enforcement officer of the United States" within the meaning of Section 2510(7) of Title 18, United States Code - that is, an officer of the United States who is empowered to law to conduct investigations of and to make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

2. This affidavit seeks authorization to intercept oral and wire communications concerning offenses involving violations of Section 1955 of Title 18, United States Code, and a conspiracy to commit the aforesaid offenses in violation of Section 371 of Title 18, United States Code which have been and are now being committed by MICHAEL O'BRIEN; JOHN F. SULLIVAN, also known as "Jackie" Sullivan; JAMES SMUCKLER; RONNIE LE CONCHE; ERNEST VERDONE, also known as "Ernie" Verdone; JOHN X. LE CONCHE; VICTOR PARENTE, also known as "Vito" Parente; RALPH IRACE, also known as "Ralphie Irish"; JOHN A. ABRONZINO, also known as "John the Barber"; ELLIOTT LEFF, and others as yet unknown.

3. I have personally conducted the investigation of these offenses and, because of my personal participation in this investigation and of reports made to me by other agents of the F.B.I. and officers of the Hartford Police Department, I am familiar with all the facts and circumstances of the

offenses. Based on this familiarity, I allege the facts contained in the paragraphs below to show that: There is probable cause to believe that MICHAEL O'BRIEN; JOHN F. SULLIVAN, also known as "Jackie" Sullivan; JAMES SMUCKLER; RONNIE LE CONCHE; ERNEST VERDONE, also known as "Ernie" Verdone; JOHN X. LE CONCHE; VICTOR PARENTE, also known as "Vito" Parente; RALPH IRACE, also known as "Ralphie Irish"; JOHN A. ABRONZINO, also known as "John the Barber"; ELLIOTT LEFF, and others as yet unknown have been, are now committing, and will continue to commit offenses against the United States, that is to say:

(a) Use of telephone communication facilities for the purpose of conducting an "illegal gambling business", as defined in Section 1955 of Title 18, United States Code, which involves five or more persons who conduct, finance, manage, supervise, direct or own all or part of such business and which has a gross revenue of \$2,000 in any single day and has been in continuous operation for a period in excess of 30 days. This illegal gambling business is conducted in violation of Connecticut Public Act 455 (1974) and is thereby in violation of Section 1955, of Title 18, United States Code.

(b) Use of a wire communication facility in furtherance of a conspiracy by persons engaged in the business of betting and wagering in furtherance of an illegal gambling business, as set forth in sub-paragraph (1) above.

(c) Use of the premises located at 103 New Britain Avenue, Hartford, Connecticut, and which carries a sign stating "Insurance - Real Estate". The front room of these premises is used by the above-named individuals to conduct oral and wire communications in furtherance of the illegal gambling business, including a desk and floor area on which gambling paraphernalia is likely to be found.

4. There is probable cause to believe that oral communications, conducted in the front room of 103 New Britain Avenue, Hartford, Connecticut, and wire communications, over telephone facilities at 103 New Britain Avenue concerning these offenses will be obtained through oral and wire interceptions, authorization for which is applied for herein.

(a) There is probable cause to believe that telephone number 247-6309 listed to O'Brien - Sullivan Home Improvement Company, 103 New Britain Avenue, Hartford, Connecticut, has been and is being used to carry out the offenses detailed above, all of which appear more fully hereinafter.

(b) There is probable cause to believe that particular wire and oral communications of MICHAEL O'BRIEN; JOHN F. SULLIVAN, also known as "Jackie" Sullivan; JAMES SMUCKLER; RONNIE LE CONCHE; ERNEST VERDONE, also known as "Ernie" Verdone; JOHN X. LE CONCHE; VICTOR PARENTE, also known as "Vito" Parente; RALPH IRACE, also known as "Ralphie Irish"; JOHN A. ABRONZINO, also known as "John the Barber"; ELLIOTT LEFF, and others as yet unknown, concerning these offenses will be obtained through the interception, authorization for which is applied for herein, in particular, these wire and oral communications will concern the placing and accepting of horse and sports wagers, exchange and dissemination of sports "line" information and odds on entries in horse races, conversations which relate to settlement of accounts between and among bookmakers and bettors, conversations in which there is an exchange of gambling information to assist in the placing of bets and wagers, conversations involving the placing and accepting of "layoff" wagers, and conversations which reveal the identity of those involved in, and the nature and scope of, the conspiracy, and conversations involving the discussion of and sale and distribution of football pool tickets.

(c) All normal investigative procedures have been tried and failed or reasonably appear unlikely to succeed if tried.

5. Section 803 of Title VIII, entitled Syndicated Gambling of the "Organized Crime Control Act of 1970"; Public Law 91-452, 91st Congress, approved October 15, 1970, amended Chapter 95, Title 18, United States Code, by adding a new section, Section 1955, Prohibition of Illegal Gambling Businesses. Section 801 of Title VIII of this Act contains special findings that illegal gambling involves widespread use of, and has an effect upon, interstate commerce and the facilities thereof.

This affidavit seeks authorization to intercept wire and oral communications transmitted over the telephone and occurring at the location described in paragraph 3 above, concerning offenses involving violations of Sections 1955 and 371, Title 18, United States Code.

6. From my experience in the investigation of gambling offenses, I know that a bookmaking business requires that the bookmaker handle bets only in amounts that he can afford to pay off. Therefore, if he receives bets that would exceed this limit, he must "layoff" a portion of these bets to another bookmaker. This is true whether he is taking bets on numbers, horses, dogs, or sporting events. In addition, bookmakers will layoff the entire bet made by certain players whom they feel have inside information.

I further know that bookmakers need constant information on odds and point spreads to determine what bets to hold and which to layoff.

I further know that a layoff office is a bookmaking office that normally specializes in handling those bets that the normal bookmaker cannot afford to hold inasmuch as the normal bookmaker wants to avoid catastrophic losses. Layoff offices usually have a running account with each bookmaker they handle, and, therefore, this necessitates them periodically checking their current figures with each bookmaker and settling accounts at the end of a betting week.

I also know that when bookmakers in sporting events speak of a "line" they are talking about the odds or point spreads in sporting events.

From my above-described experience in gambling investigations I know that the use of a telephone is vital to the efficient functioning of bookmaking operations. One advantage that the telephone provides is that it is a form of insulation from law enforcement scrutiny and that it minimizes the necessity of physical contact between bookmakers and bettors and bookmakers and other bookmakers. In addition, the telephone maximizes the actual contact for purposes of betting and exchanging gambling information in that it allows the bookmaker to remain at one location and call or receive calls from his other gambling associates in a rapid fire manner. In addition, a telephone is essential for purposes of allowing a bookmaker to effectuate various "layoff" wagers, which wagers are vital in order to protect a bookmaker from a severe financial loss. I also know from my experience that while the telephone is essential for these purposes, some physical contact between and among bookmakers and between bookmakers and bettors is necessary for the purpose of "settling up". These meetings must occur in order to make and receive payments of currency, verify the status of accounts through a comparison of records, and in order for participants at one level to give their superiors in the operation their "cuts".

7. Inasmuch as this investigation has been a cooperative effort between Special Agents of the Federal Bureau of Investigation and police

4

officers assigned to the Intelligence Division and the Special Service Squad of the Hartford, Connecticut Police Department, the facts and circumstances which I allege hereinafter may have originally come to the attention of other special agents or officers, but all such information has been communicated to me prior to the execution of this affidavit.

PREVIOUS APPLICATIONS FOR WIRE INTERCEPTIONS

8. MICHAEL O'BRIEN - On March 22, 1973, the Honorable M. Joseph Blumenfeld, United States District Judge for the District of Connecticut, authorized wire interceptions over telephone 247-5976 listed in the name of MRS. MARIE RUBERA, 1889 Broad Street, Hartford, Connecticut. Such interceptions were conducted by Special Agents of the F.B.I. between March 22, 1973 and April 2, 1973. An analysis of intercepted conversations revealed an illegal gambling business being conducted by MICHAEL CHIARIZIO and numerous others over telephone 247-5976. One of the individuals with whom MICHAEL CHIARIZIO engaged in gambling conversations was MICHAEL T. O'BRIEN. On at least 22 occasions, during the period March 22 through April 1, 1973, MICHAEL T. O'BRIEN placed calls from an unknown location to MICHAEL CHIARIZIO, at 247-5976, and on these occasions O'BRIEN, using the name "FAG", placed numerous wagers on sporting events with MICHAEL CHIARIZIO.

9. JOHN X. LE CONCHE - On November 11, 1971 the Honorable M. Joseph Blumenfeld, United States District Court Judge for the District of Connecticut, authorized wire interceptions to and from telephones 529-7137 listed to J.E. AHEARN, 563-4254 listed to RENE SAPERE, and 529-8825 listed to "THE SAPERE CHILDREN", all in service at the residence of EMIL SAPERE, 151 Coppermill Drive, Wethersfield, Connecticut. Wire interceptions were also authorized pursuant to this order, over telephones 569-0287 listed to MARY SAPERE, 569-0127 listed to MARY SAPERE, and 569-1206 listed to VINCENT M. SAPERE, all in service at 39 Judson Avenue, East Hartford, Connecticut, the residence of DOMINIC SAPERE. During the course of the interceptions of

telephone communications at the residence of EMIL SAPERE, between November 11 and November 18, 1971, JOHN X. LE CONCHE was intercepted on at least 4 conversations involving telephone 278-0398 at 54 Storrs Street, Hartford, Connecticut, the residence of JOHN X. LE CONCHE. The resulting analysis of these conversations, which are not submitted as part of the probable cause for these interceptions indicates that JOHN X. LE CONCHE assisted in the settling of accounts and the giving and receiving of bets and wagers on sporting events.

10. There is no reason to believe at this time that any of the individuals, other than JOHN X. LE CONCHE and MICHAEL T. O'BRIEN, identified as participants in an illegal gambling business, either with respect to the SAPERE interceptions, in November of 1971, or the CHIARIZIO interceptions, in March of 1973 are individuals who will be monitored in oral or wire interceptions involving 103 New Britain Avenue, Hartford, Connecticut. On August 14, 1974, MICHAEL CHIARIZIO was seen entering the premises at 103 New Britain Avenue, Hartford, Connecticut. He remained there for approximately five minutes, during which time he was observed in the presence of MICHAEL O'BRIEN, JAMES SMUCKLER and JOHN F. SULLIVAN. On many occasions CHIARIZIO's vehicle, a 1972 blue Oldsmobile hardtop, bearing Connecticut registration GU 9171, has been observed, by the affiant, parked in front of, or in the immediate vicinity of, 103 New Britain Avenue, Hartford. With respect to MICHAEL CHIARIZIO, on February 27, 1973, the Honorable M. Joseph Blumenfeld authorized the interceptions of wire communications over telephone 754-3506 listed to ROBERT DONER, 110 Sperry Street, Waterbury, Connecticut. Such interceptions were conducted by Special Agents of the F.B.I. between February 23 - 28, 1973. During the course of these wire interceptions MICHAEL CHIARIZIO was monitored in numerous gambling conversations with JOSEPH TELESKA over telephones 754-3506 and 247-5976. On May 8, 1973, as a result of court authorized wire interceptions between March 22, and April 2, 1973, as referred to above, the Honorable M. Joseph Blumenfeld authorized wire interceptions over telephones

6

223-3117 listed to ANGELO DE SENA, 60 Viets Street, New Britain, Connecticut, and 828-5713 listed to CHARLES SCHAEFER, 801 Andrews Street, Southington, Connecticut. Such interceptions were conducted by Special Agents of the F.B.I. An analysis of the interceptions between May 8, 1973 and May 14, 1973, indicates numerous gambling conversations between MICHAEL CHIARIZIO, ANGELO DE SENA, JACK SCHAEFER, and other individuals involving an illegal gambling business being conducted over the telephones described in the order of May 8, 1973.

FACTS AND CIRCUMSTANCES

A. Informants

11. On October 15, 1974, Sgt. BERNARD SULLIVAN, Intelligence Division, Hartford, Connecticut, Police Department, advised Special Agent DEWEY L. SANTACROCE, F.B.I., that he is presently in contact with a confidential informant who has furnished reliable information in the past that has led to at least eight arrests and convictions of individuals for violating local gambling statutes, and who has furnished other information that has been verified as reliable through independent investigation by officers of the Hartford, Connecticut, Police Department. This informant, who will be referred to hereinafter as Source One, furnished Sgt. SULLIVAN the following information which in turn was furnished to your affiant as follows:

a. Source One advised, on July 12, 1974, that persons known to him as JACKIE SULLIVAN and MIKE O'BRIEN had a large gambling operation at 103 New Britain Avenue, Hartford, Connecticut. He stated this location has been in operation for over a year and is known as the O'Brien-Sullivan Home Improvement Company. Source One knows this from his presence on the premises and conversations he has overheard between O'Brien, Sullivan and numerous others.

b. Source One advised, on July 24, 1974, that an individual known to him as JAMES SMUCKLER is also involved with JACKIE SULLIVAN and MIKE O'BRIEN in the pool-selling operation being conducted at 103 New Britain

7

Avenue, Hartford. The informant stated that during the past two weeks he had entered 103 New Britain Avenue, Hartford, and on several occasions during that period, observed JACKIE SULLIVAN, MIKE O'BRIEN and JAMES SMUCKLER accepting horse bets over the telephone inside the premises at 103 New Britain Avenue, Hartford. Source One further advised that each of the above named individuals, upon receiving a wager, would record said wager on a glass desk top with a grease pencil. A wet rag was also kept on the desk. On two or three occasions in which the above-named individuals accepted wagers over the telephone on the desk, Source One heard these individuals address the other party to the conversation as "VITO". Source One further advised that on or about July 20, 1974, he observed an individual known to him as VITO PARENTE talking to MICHAEL O'BRIEN in front of 103 New Britain Avenue, Hartford, and, at that time, Source One heard PARENTE discuss layoff wagers that he, PARENTE, had given to O'BRIEN.

c. Source One advised, on July 31, 1974, that he saw an individual known to him as ERNIE VERDONE in the front room of 103 New Britain Avenue, Hartford, and that he observed VERDONE accept wagers from an unknown white male and then record said wagers on the previously described glass desk top.

d. Source One advised on August 8, 1974, that he had observed that the gambling activity at 103 New Britain Avenue, Hartford had increased over the past 30 days and that during that time he had seen MIKE O'BRIEN, JACKIE SULLIVAN, ERNIE VERDONE and an individual known to him as RONNIE LE CONCHE all accept wagers over the telephone in the front room at 103 New Britain Avenue, Hartford. He further advised that the telephone in question sets on a desk with a glass top, and that all wagers are recorded on the glass top with a grease pencil so that the bets could be quickly erased with a wet rag, should members of the Vice Squad enter the location. He has observed the wet rag which is kept on the desk for this purpose.

He also advised that on August 5, 1974, at 103 New Britain Avenue, Hartford, he observed an individual known to him as "JOHN the BARBER", give

a list of horse bets to JAMES SMUCKLER in his presence.

The informant advised that the premises of 103 New Britain Avenue known as the O'Brien-Sullivan Home Improvement Company, is generally opened between 10:00 a.m. - 10:30 a.m., based on his own observation, and that wagers are thereafter accepted, until mid-afternoon or late evening depending upon the ball games scheduled as wagers are accepted on both sporting events and horse races. The informant additionally stated that, based on his knowledge and observations on the premises, the O'Brien-Sullivan Home Improvement Company is merely a front for illegal gambling and that no actual legitimate business is conducted at this location.

e. Source One advised on October 3, 1974, that on October 2, 1974, while on the premises of the O'Brien-Sullivan Home Improvement Company, 103 New Britain Avenue, he observed JAMES SMUCKLER enter, at approximately 12:00 noon, hand a slip of paper to O'BRIEN and state, "This is JOHN's action". O'BRIEN then telephonically relayed the information contained on the slip of paper to an unknown party listing a series of horse bets and stating, "Put it down for JOHN."

f. Source One advised on October 7, 1974, that during the week of October 6, 1974, while at The Place Cafe, 107 New Britain Avenue, Hartford, he overheard JACKIE SULLIVAN ask MIKE O'BRIEN and JAMES SMUCKLER, "How much did we make today on the horses?".

g. Source One advised on October 8, 1974, that on October 7, 1974, at 11:30 a.m. while he was on the premises of 103 New Britain Avenue, Hartford, VICTOR PARENTE entered the location and said to JACKIE SULLIVAN, "I want to layoff some stuff". To which SULLIVAN replied, "Lets have it". PARENTE then gave SULLIVAN some layoff horse wagers and money figures, SULLIVAN immediately picked up the telephone on the desk and relayed these horse wagers and money figures to an unknown party. Shortly thereafter, an unknown white male entered the premises and gave a wager to SULLIVAN, who recorded it on the glass top, called the wager to an unknown party utilizing the telephone on the desk, and thereafter wiped the glass desk top clean with a wet rag.

9

h. Source One advised on October 11, 1974, that on October 9, 1974 at 12:30 p.m. while he was inside The Place Cafe, 107 New Britain Avenue, Hartford, which is one door removed from 103 New Britain Avenue, he heard and observed an unknown white male give a horse wager to JOHN LE CONCHE who was standing behind the bar. He observed LE CONCHE record the wager on a slip of paper and thereafter give it to JAMES SMUCKLER, telling SMUCKLER to take the wager next door and "Tell Mike to call this in for me". At this time, he observed SMUCKLER depart The Place Cafe and, having left The Place Cafe himself, he observed SMUCKLER walk into 103 New Britain Avenue, Hartford, and give the slip of paper with the bet on it to MIKE O'BRIEN. The informant advised that he had attempted to enter 103 New Britain Avenue, Hartford, approximately 50 minutes earlier, but that the door was locked. At that time, he observed, through the window at 103 New Britain Avenue, Hartford, TONY VOLPE using the aforementioned telephone located on the previously described glass desk top.

i. Source One advised on October 21, 1974, that while inside 103 New Britain Avenue, Hartford on October 16, 1974, he heard one RALPH IRACE tell JAMES SMUCKLER "Tell MIKE I want to check some money with him". IRACE then proceeded to quote some figures which he (IRACE) described as layoffs he had given MIKE yesterday. RALPH IRACE told SMUCKLER, "Tell MIKE I'll see him tomorrow", and then left. The informant further advised that the next day, October 17, 1974, at approximately 8:00 p.m., he had occasion to be at The Place Cafe, 107 New Britain Avenue, Hartford, and heard a discussion between RALPH IRACE and MIKE O'BRIEN. O'BRIEN and IRACE were discussing layoff monies and IRACE said, "I told SMUCKLER yesterday I wanted to straighten it out with you". O'BRIEN replied, "Don't worry, I'll take care of it. I got to be there all the time myself - they can't even book horses without fucking it up".

j. On October 22, 1974 Source One advised Sgt. BERNARD SULLIVAN who in turn advised the affiant, that on Monday evening, October 21, 1974, he observed ERNEST VERDONE enter "The Place Cafe," 107 New Britain Avenue, Hartford

and give to JAMES SMUCKLER a piece of paper containing action for the Monday night football game. He told SMUCKLER to give the action to MIKE and to have him write it for him (VERDONE). The source then observed SMUCKLER leave The Place Cafe and enter 103 New Britain Avenue, Hartford, where he handed MICHAEL O'BRIEN the above mentioned slip of paper. O'BRIEN immediately picked up the telephone and made a telephone call, holding the above slip of paper in his hand and reading off of it during the call. The source also noted that immediately after the call O'BRIEN placed the slip of paper under the wet sponge on the desk holding the telephone and the piece of paper disappeared, leading the informant to believe that the piece of paper was water soluble.

k. Source One advised on November 11, 1974, that on November 6, 1974 he observed inside 103 New Britain Avenue, RONNIE LE CONCHE and an unknown white male who LE CONCHE referred to as "Left" (Phonetic) conversing about "point spreads" and that RONNIE LE CONCHE took a stack of football pool tickets from his pocket and was pointing to figures on the football pool tickets while conversing with "Left". After the conversation "Left" gave LE CONCHE a sum of U.S. Currency and stated, "I'll have the rest of the ticket money later".

l. Source One advised on November 12, 1974 that on at least three occasions during the past two months while at either The Place Cafe, 107 New Britain Avenue or inside the premises at 103 New Britain Avenue, Hartford, he has heard MIKE O'BRIEN, JACKIE SULLIVAN and JAMES SMUCKLER discussing, in conjunction with their bookmaking activities at 103 New Britain Avenue, how much money they have won on different football games and horse races as well as discussing how much money has been wagered with them prior to certain football games.

12. Sgt. BERNARD SULLIVAN, Intelligence Division, Hartford, Connecticut, Police Department advised Special Agent DEWEY SANTACROCE that he is in contact with a confidential informant who has furnished

11

reliable information in the past that has led to the arrest and conviction of at least one individual for pool-selling and has furnished other reliable information that has been verified through independent investigation. He stated that this informant, who will be known hereinafter as Source Two, advised him as follows and this information was imparted to the affiant.

a. Source Two advised that during the week of October 6, 1974, he was on the premises at 103 New Britain Avenue, Hartford, Connecticut and observed two white males, unknown to him, purchasing football pool tickets from MICHAEL O'BRIEN and JACKIE SULLIVAN.

b. Source Two advised on November 12, 1974, that "Richie" who drives a blue Ford sedan with Connecticut registration KS (rest of number unknown) works for JOHN "SONNY" CASTAGNA and drops off football pool tickets for CASTAGNA every week. The Source stated that he has observed "RICHIE" in the above vehicle dropping off football pool tickets at 103 New Britain Avenue, Hartford, Connecticut in the past. See page 12a.

B. SURVEILLANCES

13. a. August 2, 1974, Trooper ORLANDO MORANINO, Criminal Intelligence Division, Connecticut State Police, Hartford, Connecticut. observed GIROLAMO SANTUCCIO, also known as "Bobby Doyle", sitting in the chair to the left of the desk inside 103 New Britain Avenue, Hartford, at 11:32 a.m., talking to a group of individuals including MICHAEL O'BRIEN, JOHN LE CONCHE and RONNIE LE CONCHE.

b. August 8, 1974, at 11:30 a.m., Hartford Police Detectives R. RENIEWICZ, and R. LAJOIE observed JAMES SMUCKLER arrive at 103 New Britain Avenue, Hartford, and unlock the front door. A few moments later an unknown white male was admitted into the premises by SMUCKLER and spoke with SMUCKLER, after which SMUCKLER was observed writing on the top of the desk.

A few moments later, at 11:35 a.m., (F.N.U.) KAZARIAN entered the premises.

At 11:50 a.m., JOHN LE CONCHE entered the premises looked over the "Armstrong", a horse racing daily, and left, at 11:55 a.m. with SMUCKLER, who

November 21, 1974 - Source One advised on 11/21/74 that based on his observations at, and conversations he has heard while on the premises at 103 New Britain Avenue, Hartford, he estimates that a minimum of \$25,000 - \$30,000 per week is being received in wagers on horse racing and sporting events by those individuals previously mentioned in this affidavit who are conducting an illegal gambling business at this address.

November 27, 1974 - Source One advised on 11/27/74 that on this date while he was on the premises at 103 New Britain Avenue, Hartford, he observed John LeConche give football bets on the games for November 28, 1974, to Michael O'Brien and O'Brien immediately thereafter called this bet out in the telephone.

December 6, 1974 - Advised on 12/6/74 that on 12/2/74 he was on the premises at 103 New Britain Avenue, Hartford, at which time MICHAEL O'BRIEN, JAMES SMUCKLER, and JACKIE SULLIVAN were also present. ERNEST VERDONE entered the premises and talked to O'BRIEN about a list of layoff wagers he had for the Monday night football game. VERDONE gave the list to O'BRIEN and told him that he would have more later on. O'BRIEN told VERDONE that if he, O'BRIEN was not around that VERDONE should give the layoff to JACKIE SULLIVAN because "he or I okay them". During the conversation, ANTHONY VOLPE was standing in the room listening, but did not enter into the conversation.

December 6, 1974 - Advised on 12/6/74 that on 12/4/74 he was on the premises at 103 New Britain Avenue, Hartford at which time MICHAEL O'BRIEN and JAMES SMUCKLER were also present. O'BRIEN was talking on the telephone. JOHN LE CONCHE entered the premises and spoke to SMUCKLER concerning layoff wagers on basketball games. SMUCKLER told him he should speak to either "Mike or Jackie" about the layoffs. When O'BRIEN hung up the telephone, LE CONCHE handed him slips of paper and they discussed the basketball layoffs. O'BRIEN then made an outgoing call and read the basketball layoffs from the slips of paper during the call.

thereafter remained outside.

At 12:10 p.m. SMUCKLER re-entered the premises at which time JOE SHEFF arrived. At 12:20 p.m. JOE SHEFF departed the premises.

At 12:30 p.m. SMUCKLER was observed with JOHN ABRONZINO, also known as "John the Barber". At 12:55 p.m. JOHN LE CONCHE returned to the premises.

At 1:05 p.m. MICHAEL O'BRIEN was observed conversing with John the Barber. SMUCKLER arrived shortly thereafter and O'BRIEN and SMUCKLER went inside the premises. O'BRIEN was observed writing on top of the desk while a large amount of money was counted by SMUCKLER and turned over to O'BRIEN. At 1:15 p.m. O'BRIEN departed the premises.

At 4:30 p.m. MIKE O'BRIEN, JACKIE SULLIVAN, JAMES SMUCKLER, and RONNIE LE CONCHE observed on the premises. LE CONCHE was observed using the telephone and writing on the glass desk top with a grease pencil. For the next hour SMUCKLER, O'BRIEN and LE CONCHE were all observed receiving telephone calls, writing on the glass with grease pencils and then immediately placing outgoing calls.

c. August 13, 1974, Detective RICHARD RENIEWICZ, Hartford Police Department conducted surveillances of 103 New Britain Avenue, Hartford, between 11:00 a.m. and 1:00 p.m. During this period of time he observed on the premises JAMES SMUCKLER, "VITO" PARENTE, JOHN LE CONCHE, JOE SHEFF, "BOSCO" CHIAPUTTI, and JOHN ABRONZINO, also known as "John the Barber". During this period SMUCKLER was seen on frequent occasions to check the front door to see that it was locked.

d. August 14, 1974, Special Agent JOHN A. DANAHY, F.B.I. together with Detectives LAJOIE and RENIEWICZ conducted surveillances of 103 New Britain Avenue, Hartford, between 11:00 a.m. and 1:30 p.m. During this period of time the officers observed JAMES SMUCKLER open the premises, enter, lock the door behind him then sit at the desk and use the telephone. During this same period the officers also observed the following individuals enter and depart the premises, MICHAEL O'BRIEN, ANTHONY DE SANTO, JOSEPH SHEFF, AMERICO VOLPE,

and ERNEST VERDONE.

At 3:10 p.m., SULLIVAN and SMUCKLER were observed taking turns answering the telephone and writing on the desk with a blue pen. At 3:14 p.m. MICHAEL O'BRIEN appeared from the rear of a partition in the premises and stood at the front door looking out. At 3:25 p.m. MICHAEL CHIARIZIO and an unknown individual entered the premises, after which SMUCKLER locked the front door. At 3:30 p.m., O'BRIEN and CHIARIZIO left the premises. SMUCKLER was left on the premises.

Later in the afternoon at 4:20 p.m. JAMES SMUCKLER was again observed in the premises as well as JACKIE SULLIVAN. Shortly thereafter MICHAEL O'BRIEN was seen entering the premises for a very brief period of time and was then seen departing the premises while placing money in his pocket. It should also be noted that approximately 11:00 a.m. JOHN LE CONCHE, RONNIE LE CONCHE, and ERNEST VERDONE, were observed independently entering The Place Cafe, 107 New Britain Avenue, Hartford, and shortly thereafter SMUCKLER, JOHN LE CONCHE, RONNIE LE CONCHE and ERNEST VERDONE, were observed in a short conversation in front of The Place Cafe.

e. September 17, 1974, Special Agent Dewey L. Santacrose, F.B.I. observed JOHN CASTAGNA exit a vehicle in the direct vicinity of The Place Cafe, 107 New Britain Avenue, Hartford, at which time he was seen carrying what appeared to be a stack of football pool tickets which was approximately 7 inches high. He was observed meeting with an unknown white male outside The Place Cafe. He gave this individual a large number of these tickets. When CASTAGNA arrived in the above vicinity he was the passenger in a blue Ford sedan, bearing Connecticut registration KS 4737, being operated by a white male in his 20's with long brown hair. CASTAGNA re-entered the above vehicle in which he was driven to the Hearthstone Restaurant, 680 Maple Avenue, Hartford.

f. September 29, 1974, Detective R. RENIEWICZ, Hartford Police Department, while on routine patrol between 11:00 a.m. and 12:00 noon, observed

JAMES SMUCKLER and MICHAEL O'BRIEN in the premises of 103 New Britain Avenue, Hartford, Connecticut, and PAUL TIGNO and JOHN CASTAGNA, a/k/a "Sonny", in The Place Cafe, 107 New Britain Avenue, Hartford.

g. September 30, 1974, Detectives R. RENIEWICZ and M. SCHWARTZ, Hartford Police Department, at approximately 10:30 a.m., observed JACKIE SULLIVAN, ERNIE VERDONE, and JAMES SMUCKLER, at 103 New Britain Avenue, Hartford. They also observed RICO VOLPE and TONY VOLPE inside The Place Cafe.

h. October 2, 1974, Detectives R. RENIEWICZ and M. SCHWARTZ observed JOHN LECONCHE in front of The Place Cafe, 107 New Britain Avenue, and JOE SHEFF, ERNIE VERDONE, and RONNIE LE CONCHE inside of 103 New Britain Avenue.

i. October 3, 1974, Detective R. RENIEWICZ observed JAMES SMUCKLER and PAUL TIGNO at 103 New Britain Avenue, Hartford, and observed JACKIE SULLIVAN standing in front of The Place Cafe. Shortly thereafter, he observed JOHN "SONNY" CASTAGNA and RINALDO DI PIETROANTONIO inside 103 New Britain Avenue, Hartford, and MICHAEL O'BRIEN and TONY VOLPE departing 103 New Britain Avenue, Hartford.

At 12:40 p.m. on the same date, Detective JOSEPH HAMMICK, Hartford Police Department, observed JACKIE SULLIVAN and ERNIE VERDONE in front of The Place Cafe, 107 New Britain Avenue, Hartford.

j. October 7, 1974, Detectives R. RENIEWICZ and C. GRALL, Hartford Police Department placed 103 New Britain Avenue, Hartford, under surveillance between 10:00 a.m. and 1:15 p.m.

At 10:00 a.m. JAMES SMUCKLER was seen to arrive and enter 103 New Britain Avenue, Hartford. MICHAEL O'BRIEN was also seen to enter at this time.

At 11:00 a.m., JOHN "SONNY" CASTAGNA was observed departing 103 New Britain Avenue, Hartford. At 11:05 a.m. ERNIE VERDONE entered this address. At 11:10 a.m. JAMES SMUCKLER was observed entering The Place Cafe, 107 New Britain Avenue, Hartford and return to the premises at 103 New Britain Avenue shortly thereafter.

At 11:20 a.m. MICHAEL O'BRIEN departed 102 New Britain Avenue; at 11:23 a.m. JACK SULLIVAN entered 103 New Britain Avenue at which time VICTOR PARENTE also entered this address.

At 11:40 a.m. JOHN "SONNY" CASTAGNA was observed re-entering 103 New Britain Avenue while SULLIVAN, SMUCKLER and O'BRIEN were inside. During this period SULLIVAN could be seen at the desk writing on the glass desk top.

Between 12:00 noon and 1:15 p.m. a number of white males including VICTOR PARENTE were seen entering 103 New Britain Avenue for short periods of time. SMUCKLER was observed making numerous trips between 103 New Britain Avenue, and The Place Cafe. Upon returning from The Place Cafe he would take papers out of his pocket and give them to MIKE O'BRIEN, who was observed sitting at the desk and writing on the glass desk top. During this period SMUCKLER, SULLIVAN and O'BRIEN could all be seen answering the telephone.

k. October 8, 1974, Detectives R. RENIEWICZ and C. GRAIL, Hartford Police Department placed 103 New Britain Avenue, Hartford, under surveillance between 10:00 a.m. and 1:30 p.m.

At 10:08 a.m. SMUCKLER was seen to arrive and unlock the door.

At 10:20 a.m. TONY VOLPE entered 103 New Britain Avenue, spoke to SMUCKLER and then departed.

At 11:35 a.m. JOHN "SONNY" CASTAGNA was seen in front of 103 New Britain Avenue for a short period of time, and, thereafter, went into The Place Cafe.

At 10:45 a.m. JOHN LE CONCHE and TONY VOLPE entered 103 New Britain Avenue. During this period, several unknown males walked in off the street and talked to SMUCKLER behind the desk. Throughout this period SMUCKLER could be observed writing on the desk and answering telephone calls.

At 11:15 a.m. GIROLOMO SANTUCCIO, also known as "Bobby Doyle", arrived and went inside 103 New Britain Avenue for a short time, and was thereafter seen entering The Place Cafe.

At 11:20 a.m. TONY VOLPE was observed leaving The Place Cafe and entering 103 New Britain Avenue. During the next ten minutes VOLPE was observed on the telephone. He also admitted two males, one of whom was ANDREW LISELLA, and one white female. During this period, SMUCKLER continued to travel between The Place Cafe and 103 New Britain Avenue and converse with TONY VOLPE.

At 12:20 p.m. MICHAEL O'BRIEN arrived with an unknown male and at 12:25 p.m. JACKIE SULLIVAN arrived and also entered 103 New Britain Avenue. O'BRIEN was observed sitting at the desk and writing on the glass desk top. O'BRIEN and the unknown male could be observed pitching pennies and passing money to each other. Shortly thereafter "PEANUTS" COLANGELO entered 103 New Britain Avenue carrying two large shopping bags, walked over to the desk removed papers from the shopping bags and gave them to O'BRIEN.

At 12:40 p.m. a large white male, driving a Granville Pontiac, entered 103 New Britain Avenue. At 12:55 p.m. a white male driving a new Cadillac with a light blue bottom and a dark blue top was observed to exchange money with COLANGELO outside 103 New Britain Avenue, Hartford. (It should be noted this affiant observed RALPH IRACE on October 9, 1974, driving a new Cadillac having a blue bottom and a darker blue top bearing Connecticut registration JF 7299). At 1:00 p.m. this white male was observed carrying a small box into The Place Cafe and thereafter had a short conversation in his vehicle, with JOHN "SONNY" CASTAGNA. As the white male drove off, CASTAGNA was observed entering 103 New Britain Avenue, at which time COLANGELO departed the premises. At 1:10 p.m. COLANGELO was observed entering 103 New Britain Avenue for a short time.

At 1:15 p.m. CASTAGNA was observed to enter 103 New Britain Avenue at which time ANTHONY VOLPE and JAMES SMUCKLER departed this address and entered The Place Cafe. At 1:25 p.m. CASTAGNA and O'BRIEN were observed to exit 103 New Britain Avenue and enter The Place Cafe, at which time SMUCKLER left The Place Cafe and entered 103 New Britain Avenue.

1. October 9, 1974, Detectives C. GRAIL and R. RENIEWICZ, Hartford Police Department initiated surveillance at 103 New Britain Avenue at 10:00 a.m. and continued until 2:00 p.m.

At 10:35 a.m. SMUCKLER was observed to open the front door at 103 New Britain Avenue. Shortly thereafter an unknown male entered this location, spoke to SMUCKLER, and began talking on the telephone.

At 10:45 a.m. SMUCKLER was observed to lock the front door, walk over to

The Place Cafe, and return, five minutes later, to 103 New Britain Avenue. At 10:55 a.m. an unknown male, driving a gold colored Plymouth Duster, entered 103 New Britain Avenue and handed what appeared to be an Armstrong newspaper to SMUCKLER after which SMUCKLER was observed to run from 103 New Britain Avenue to his car and back.

At 11:00 a.m. SMUCKLER was observed to depart 103 New Britain Avenue, lock the door, and walk in the direction of the Place Cafe out of the sight of the surveilling officers.

At 11:10 a.m. this affiant observed JAMES SMUCKLER driving his vehicle, a 1970 Pontiac, color green, Connecticut registration AT 1166 and park on the side street near Gionfriddo's Pharmacy, 766 Maple Avenue, Hartford, Connecticut. He walked forward to a Chevrolet station wagon, tan in color and having Connecticut registration 630-311, and spoke to the driver of this vehicle, which was also parked on the aforementioned side street. The driver of this latter vehicle handed SMUCKLER a brown paper bag and they talked for a few moments. SMUCKLER then returned to his vehicle and placed the brown paper bag in the trunk of his car and departed the area. He drove to the M&F Market, 695 Maple Avenue, Hartford where he entered for a few moments and was seen exiting, eating a banana. He then drove to 103 New Britain Avenue, Hartford, where he was observed to park his car at approximately 11:18 a.m. At 11:20 a.m. Detectives GRAIL and RENIEWICZ observed SMUCKLER re-enter 103 New Britain Avenue, Hartford.

During SMUCKLER's absence, RINALDO DI PIETRANTONIO was observed dropping off JOHN "SONNY" CASTAGNA outside The Place Cafe. DI PIETROANTONIO was driving a white Cadillac at this time. At this time JOHN LE CONCHE and JACKIE SULLIVAN were observed standing outside 103 New Britain Avenue. They were joined by RONNIE LE CONCHE and JOHN "SONNY" CASTAGNA.

At 11:30 a.m. TONY VOLPE was seen departing The Place Cafe and entering 103 New Britain Avenue. Meanwhile this affiant observed, at 11:30 a.m., that RINALDO DI PIETROANTONIO parked a white Cadillac, having a black top,

19

bearing Connecticut registration SH 2350, on the aforementioned side street next to Gionfriddo's Pharmacy, 766 Maple Avenue, Hartford. He was observed reading the newspaper. At 11:34 a.m., a white male was observed to park immediately in front of DI PIETROANTONIO's vehicle. This white male was driving a vehicle having Massachusetts registration Y75-989. This white male exited his vehicle and walked back to DI PIETROANTONIO's vehicle. While he was walking he was observed to be counting money from a roll of money he had in his hand. He leaned inside the drivers window, spoke to DI PIETROANTONIO and was then observed to give DI PIETROANTONIO some of the money he had in his hand. It was determined that the vehicle with Massachusetts registration Y75-989 is the property of National Car Rental Systems and was leased on October 4, 1974 at Hartford, Connecticut, by ROBERT L. PRESTA, date of birth January 7, 1932.

At 11:35 a.m. Detectives GRAIL and RENIEWICZ observed SMUCKLER using the telephone inside the premises located at 103 New Britain Avenue, and then observed SMUCKLER leave these premises, walk to his vehicle, remove papers from the trunk, walk back inside 103 New Britain Avenue, Hartford, and hand the papers to an unknown white male in his mid-twenties.

At 11:45 a.m. PAUL TIGNO was observed standing in front of 103 New Britain Avenue. He then entered the premises, for a short time and spoke to ANTHONY VOLPE.

At 11:55 a.m. VOLPE left 103 New Britain Avenue and entered The Place Cafe.

At 12:00 noon, PEANUTS COLANGELO was observed outside 103 New Britain Avenue with two shopping bags and thereafter entered The Place Cafe.

At 12:05 p.m. JOE SHEFF was observed going to the front door of 103 New Britain Avenue and speak to JOHN "SONNY" CASTAGNA and thereafter depart the area.

Between 12:05 p.m. and 12:10 p.m. SMUCKLER was observed using the telephone inside of 103 New Britain Avenue. At 12:10 p.m. ANTHONY VOLPE entered 103 New Britain Avenue and began using the telephone.

At 12:15 p.m. ERNIE VERDONE and AMERICO VOLPE entered 103 New Britain Avenue, left, and returned at 12:20 p.m., at which time they were observed sitting inside of the premises while ANTHONY VOLPE used the telephone.

At 12:24 p.m. JOHN LE CONCHE entered the premises with a shopping bag. Shortly thereafter, JOHN LE CONCHE was observed leaving 103 New Britain Avenue in the company of PEANUTS COLANGELO, who was carrying two of the same type shopping bags. LE CONCHE and COLANGELO entered The Place Cafe.

At 12:30 p.m. MICHAEL O'BRIEN arrived, parked his car in front, entered The Place Cafe. He departed at 12:34 p.m. and entered 103 New Britain Avenue where he was observed speaking with ANTHONY VOLPE, AMERICO VOLPE, and ERNIE VERDONE.

At 12:35 p.m. JOHN LE CONCHE departed The Place Cafe, entered 103 New Britain Avenue, and then returned to The Place Cafe. PEANUTS COLANGELO was then observed entering 103 New Britain Avenue, at which time ERNIE VERDONE departed.

At 12:40 p.m. VERDONE and JOHN LE CONCHE returned to 103 New Britain Avenue. A short time thereafter JOHN LE CONCHE left with VERDONE and AMERICO VOLPE.

At 12:45 p.m. JACKIE SULLIVAN entered 103 New Britain Avenue and was observed sitting behind the desk, writing on the desk top, and talking on the telephone. During the next ten minutes VERDONE, JOHN LE CONCHE, ANTHONY VOLPE and MICHAEL O'BRIEN were observed periodically going from The Place Cafe to 103 New Britain Avenue.

At 1:15 p.m. JOHN "SONNY" CASTAGNA was observed departing The Place Cafe and entering 103 New Britain Avenue.

At 1:18 p.m. CASTAGNA departed the premises, was picked up in a blue Mustang, and departed the area. It was determined by this affiant a few moments earlier that the registration of this blue Mustang was Connecticut registration SH 3119 which is listed to MICHAEL FENTON, 495 Maple Avenue, Hartford, Connecticut. Between 1:20 p.m. and 1:35 p.m., O'BRIEN and SMUCKLER were observed inside 103 New Britain Avenue, consulting Armstrong newspapers with two

other unknown male individuals.

At 1:35 p.m. O'BRIEN departed with another unknown white male in O'BRIEN's vehicle Connecticut registration MOB-1, a black 1974 Lincoln Continental.

At 1:40 p.m. JOHN LE CONCHE entered 103 New Britain Avenue for a short period of time.

During the period of the surveillance, between 10:00 a.m. and 2:00 p.m., at least 26 white males were observed entering and leaving after a short period of time with either SMUCKLER, O'BRIEN, SULLIVAN or LE CONCHE.

m. October 10, 1974, Detectives GRAIL and RENIEWICZ, Hartford Police Department, conducted surveillances at 103 New Britain Avenue from 10:15 a.m. until 1:15 p.m.

Between 10:15 a.m. and 11:15 a.m. JOHN LE CONCHE, RONNIE LE CONCHE, JACK SULLIVAN and PAUL TIGANO were observed standing outside of 103 New Britain Avenue. They did not enter these premises.

At 11:10 a.m. GIROLOMO SANTUCCIO, also known as "Bobby Doyle" attempted to enter 103 New Britain Avenue, but the door was locked, as the result of which he then went into The Place Cafe.

At 11:15 a.m. SMUCKLER unlocked the premises at 103 New Britain Avenue and was observed wiping off the glass desk top with a rag.

At 11:25 a.m. ANTHONY VOLPE was observed entering 103 New Britain Avenue by using his own key, and was, thereafter, seen locking the door behind him, sitting down at the desk, writing on the desk top and using the telephone.

At 11:30 a.m. VOLPE admitted JACK SULLIVAN to the premises. At 11:40 a.m. VOLPE departed the premises, at which time SULLIVAN was observed manning the telephone. At this time ERNIE VERDONE and (FNU) LANTIERI were observed entering the premises.

At 11:45 a.m., SULLIVAN observed inside 103 New Britain Avenue giving an unknown white male an Armstrong newspaper. This unknown male read the Armstrong at the desk, left 103 New Britain Avenue, went next door, and then returned shortly thereafter.

At 11:50 a.m. RONNIE LE CONCHE was observed departing the area, and, at 11:53 a.m., JOE SHEFF entered 103 New Britain Avenue, Hartford. During the next half-hour several unknown white males made brief visits to 103 New Britain Avenue. SMUCKLER was observed commuting between The Place Cafe and 103 New Britain Avenue. On several occasions, SMUCKLER was observed answering and making telephone calls and writing on the glass desk top with a grease pencil. On one occasion, JOE SHEFF was observed using the telephone while he was alone inside of 103 New Britain Avenue. During the total period of surveillance 16 white males were observed entering 103 New Britain Avenue for short periods of time.

n. October 11, 1974, Detectives R. REMIEWICZ and C. GRALL conducted a surveillance at 103 New Britain Avenue, Hartford, between 10:18 a.m. and 1:30 p.m.

At the start of the surveillance, JOHN "SONNY" CASTAGNA was observed in front of 103 New Britain Avenue. He then walked to, and entered, The Place Cafe.

At 11:18 a.m. GIROLOMO SANTUCCIO, also known as "Bobby Doyle", arrived and attempted to gain entrance into 103 New Britain Avenue, however, the door was locked. SANTUCCIO then walked to, and entered, The Place Cafe.

At 11:25 a.m., JAMES SMUCKLER arrived at 103 New Britain Avenue, opened the door and was observed to sit at the desk. Shortly thereafter, SANTUCCIO entered 103 New Britain Avenue. He was followed, shortly thereafter, by PAUL TIGNO and then CASTAGNA. Three unknown white males entered 103 New Britain Avenue, and then went into The Place Cafe. At this time the remaining individuals inside 102 New Britain Avenue, including SANTUCCIO, were seen shaking hands with CASTAGNA. Shortly thereafter, the three unknown males departed the area in a white 1965 Chevrolet bearing New York License plates.

At 11:35 a.m., JACKIE SULLIVAN arrived at 103 New Britain Avenue and was observed using the telephone in SMUCKLER's presence. MICHAEL O'BRIEN then arrived.

Between 11:40 a.m. and 12:00 noon, SMUCKLER and SULLIVAN made numerous trips between The Place Cafe and 103 New Britain Avenue. They were observed using

the telephone and writing on the desk top inside of 103 New Britain Avenue during this period.

At 12:05 p.m. SMUCKLER and O'BRIEN walked from 103 New Britain Avenue to The Place Cafe.

At 12:06 p.m. ERNIE VERDONE entered 103 New Britain Avenue and shortly thereafter SMUCKLER returned carrying papers and was observed sitting at the desk using the telephone and writing on the desk top.

At 12:10 p.m. JOE SHEFF entered 103 New Britain Avenue, and was observed talking with MIKE O'BRIEN, who had returned from The Place Cafe. At 12:20 p.m. JOE SHEFF exited the grocery store, next to 103 New Britain Avenue, in the company of ANDREW LISELLA, at which time both returned inside 103 New Britain Avenue.

At 12:30 p.m. VICTOR PARENTE arrived outside 103 New Britain Avenue as a passenger in an older red vehicle, believed to be a Ford. The operator of the car was observed to enter 103 New Britain Avenue. He, shortly thereafter, returned to his vehicle, placed papers and slips in the glove compartment, and locked the glove compartment.

At 12:30 p.m. O'BRIEN was observed to deny entry to 103 New Britain Avenue to a black employee of the telephone company. O'BRIEN and this unknown male were then observed walking towards The Place Cafe area and out of sight of the surveilling officers.

At 12:40 p.m. ERNIE VERDONE, JACKIE SULLIVAN and an unknown white male left 103 New Britain Avenue and headed towards The Place Cafe. During this period SMUCKLER could be observed making numerous trips between The Place Cafe and 103 New Britain Avenue.

At 12:44 p.m. SULLIVAN and VERDONE were observed entering 103 New Britain Avenue, at which time JOE SHEFF, ANDREW LISELLA, MIKE O'BRIEN and an unknown male were already inside.

At 12:45 p.m., SHEFF, LISELLA, SULLIVAN, O'BRIEN and the unknown male exited from 103 New Britain Avenue and broke up, after a short conversation on the sidewalk.

o. October 15, 1974, Detectives R. RENIEWICZ and Officer P. VELAZCO while on patrol, in the morning, observed ANTHONY VOLPE, AMERICO VOLPE, ERNIE VERDONE and MIKE O'BRIEN in The Place Cafe, and JAMES SMUCKLER and an unknown female next door at 103 New Britain Avenue, Hartford.

p. October 16, 1974, Sgt. R. BONE and Officer J. SCHATZ, while on routine patrol in the morning, observed JAMES SMUCKLER and RALPH IRACE in the doorway of 103 New Britain Avenue, Hartford.

q. October 17, 1974, Sgt. R. BONE and Officer D. ZELINSKI, while on routine patrol in the morning, observed, at approximately 10:00 a.m., PAUL TIGNO's car traveling on New Britain Avenue. When the officers began to follow him in their own vehicle, TIGNO drove around the block a few times, in what appeared to be an attempt to discourage the surveillance. On the same date, in the early evening hours, Detectives RENIEWICZ and Officer VELAZCO, while on routine patrol observed MICHAEL O'BRIEN, JACK SULLIVAN, RALPH IRACE, ANTHONY VOLPE, and AMERICO VOLPE inside 103 New Britain Avenue.

r. October 21, 1974, Detective: R. RENIEWICZ and Officer VELAZCO, while on routine patrol, shortly after 9:00 p.m., observed MICHAEL O'BRIEN and JAMES SMUCKLER watching the Monday night football game on a television inside 103 New Britain Avenue. They also observed ANTHONY VOLPE, AMERICO VOLPE, and ERNEST VERDONE inside The Place Cafe at the same time.

s. November 6, 1974, Detectives R. RENIEWICZ and C. GRALL, conducted surveillances at 103 New Britain Avenue, Hartford, from 10:00 a.m. until 1:00 p.m., and observed the following:

10:18 a.m. RONNIE LE CONCHE and PAUL TIGNO entered.

10:20 a.m. ELLIOTT LEFF, JOHN LE CONCHE and ERNIE VERDONE entered. It was observed that JAMES SMUCKLER was inside on the telephone.

10:00 - 10:30 a.m. All of the above parties kept going in and out of 103 New Britain Avenue into The Place Cafe, 107 New Britain Avenue, Hartford.

10:35 a.m. JACKIE SULLIVAN arrived.

10:40 a.m. RONNIE LE CONCHE, PAUL TIGNO and JOHN LE CONCHE left. By 10:45 a.m. everyone had left the premises except JACKIE SULLIVAN, who remained inside behind the desk answering the telephone.

- 10:50 a.m. ELLIOTT LEFF was seen to depart and enter The Place Cafe
- 11:00 a.m. JOHN "SONNY" CASTAGNA and JAMES SMUCKLER entered. After a short period of time, CASTAGNA exited and entered The Place Cafe.
- 11:05 a.m. GIROLAMO SANTUCCIO, also known as "Bobby Doyle" entered, stayed for a short period of time and entered The Place Cafe. At about the same time two unknown males entered 103 New Britain Avenue, Spoke to JACKIE SULLIVAN for a short length of time, and then left.
- 11:20 a.m. JOHN "SONNY" CASTAGNA entered, called to JACKIE SULLIVAN and together they entered The Place Cafe. At 11:50 a.m., CASTAGNA then returned to 103 New Britain Avenue, appeared to drop something on the desk, and then returned to The Place Cafe.
- 12:00 noon JOE SHEFF arrived, spoke to JAMES SMUCKLER, and then entered the premises. He was observed to hand SMUCKLER a blue type book. He remained briefly and then departed. Shortly thereafter, SMUCKLER went to the telephone and commenced making outgoing calls.
- 12:15 p.m. MIKE O'BRIEN arrived in his vehicle, entered the premises and spoke to SMUCKLER.
- 12:45 p.m. JAMES SMUCKLER exited, entered O'BRIEN's vehicle with Connecticut registration MOB-1, and drove away. ANTHONY VOLPE then entered 103 New Britain Avenue, remained for about one half hour and returned to The Place Cafe. During this time, ERNIE VERDONE was making trips from the Place Cafe back and forth to 103 New Britain Avenue.
- 12:15 p.m. - 1:00 p.m. From the time that O'BRIEN arrived until the end of the surveillance he remained on the telephone answering the phone in 103 New Britain Avenue. Also, during this time, SMUCKLER was seen running back and forth to The Place Cafe and John's Delicatessan, and ANTHONY VOLPE made periodic trips from The Place Cafe into 103 New Britain Avenue.

t. November 7, 1974, Detective R. RENIEWICZ conducted a surveillance at 103 New Britain Avenue, Hartford, Connecticut from 10:00 a.m. to 1:00 p.m. and observed the following:

- 10:30 a.m. MIKE O'BRIEN arrived, unlocked the door, and entered.
- 10:35 a.m. JAMES SMUCKLER arrived with JOHN "SONNY" CASTAGNA, unlocked the door with a key, and both entered and began conversing. Shortly thereafter, CASTAGNA exited and entered The Place Cafe.
- 10:50 a.m. JACKIE SULLIVAN entered.
- 11:00 a.m. ELLIOTT LEFF entered. It was observed that from the start of the surveillance that several white males were observed entering and departing after remaining inside the premises a short period of time.

11:05 a.m. ANTHONY VOLPE entered. On the premises at the time were MIKE O'BRIEN, JACKIE SULLIVAN, JAMES SMUCKLER, and ELLIOTT LEFF. It was noted that from 10:45 a.m. until 11:00 a.m. JOHN "SONNY" CASTAGNA made several trips from The Place Cafe to 103 New Britain Avenue.

11:30 a.m. ERNIE VERDONE entered followed shortly thereafter by GIROLOMO SANTUCCIO, also known as "Bobby Doyle", SANTUCCIO remained for a short period of time and then walked to John's Delicatessan, 99 New Britain Avenue, which he entered. Shortly thereafter, he exited and returned to 103 New Britain Avenue, which he entered with ANTHONY VOLPE and MIKE O'BRIEN at 11:35 a.m. At the same time JOE SHEFF arrived and entered 103 New Britain Avenue, along with GIROLOMO SANTUCCIO. SANTUCCIO stayed a few minutes and then departed. It was observed, during this surveillance, that JAMES SMUCKLER was observed leaving the area in a green Ford, registration unknown, making periodic trips into 103 New Britain Avenue and then leaving shortly thereafter.

12:00 noon ERNIE VERDONE entered, spoke with MIKE O'BRIEN, and left for a short period of time with ANTHONY VOLPE.

12:05 p.m. JOHN "SONNY" CASTAGNA entered from The Place Cafe and stayed for a short period of time. Then MIKE O'BRIEN exited and went to The Place Cafe. At 12:05 p.m. CASTAGNA and JOE SHEFF exited and entered The Place Cafe. It was observed during this surveillance that ERNIE VERDONE talked on the telephone after O'BRIEN. At the same time of the conclusion of this surveillance, ELLIOTT LEFF was still inside of the premises.

u. November 7, 1974 the affiant observed, at approximately 8:30 p.m., that ANTHONY D. VOLPE was inside of 103 New Britain Avenue, Hartford, sitting at the aforementioned desk and talking to seven other individuals whose identities were not discerned.

C. ARREST RECORDS AND PHYSICAL DESCRIPTIONS

14 a. JOHN A. ABRONZINO, also known as "John The Barber", was arrested on September 24, 1970 by the Hartford Police Department for pool-selling and was convicted of a substituted charge of betting on horses on February 8, 1971 by the Hartford Police Department for Pool-selling and was convicted. ABRONZINO is described as a white male, 5'3", 170 lbs., black hair, brown eyes, born January 10, 1922 in Italy.

b. JOHN F. CASTAGNA, also known as "SONNY". No gambling related arrests, but was arrested on April 20, 1972 by the Newington, Connecticut Police Department and convicted of manslaughter and sentenced. He is

November 27, 1974 - Detective R. RENIEWICZ and Officer O. BLOCKER, conducted a surveillance at 103 New Britain Avenue, Hartford, Connecticut, from 10:00 a.m. until 1:00 p.m. and observed the following:

10:20 a.m.	MIKE O'BRIEN arrived with JOHN LE CONCHE and entered The Place Cafe.
10:35 a.m.	Inside the premises at 103 New Britain Avenue, Hartford, is ERNEST VERDONE, JOHN LE CONCHE and MICHAEL O'BRIEN. Arriving and entering at the same time is PAUL TIGNO and JOHN CASTAGNA. TIGNO immediately picks up the telephone.
10:45 a.m.	RONNIE LE CONCHE entered the premises at 103 New Britain Avenue. During this period several parties were entering and leaving 103 New Britain Avenue and entering The Place Cafe. It was also observed that a new lock was placed on the front door at 103 New Britain Avenue by an unknown male. O'BRIEN remained inside on the telephone with JOHN LE CONCHE also using the telephone.
11:00 a.m.	BOBBY DOYLE arrived, remained at 103 New Britain Avenue for a short period of time and then went into the Place Cafe. After five minutes, BOBBY DOYLE exited The Place Cafe and entered 103 New Britain Avenue.
11:12 a.m.	ERNIE VERDONE exited The Place Cafe and entered 103 New Britain Avenue. He spoke with BOBBY DOYLE and MIKE O'BRIEN who was on the telephone. Immediately thereafter CASTAGNA entered from The Place Cafe and began conversing with DOYLE, O'BRIEN and VERDONE. DOYLE remained inside for about one-half hour then exited and went to The Place Cafe where he remained briefly and then left the area in a car. It was observed during the surveillance that several white males entered 103 New Britain Avenue for short periods of time and then exited after speaking with either JOHN LE CONCHE or MIKE O'BRIEN. It was also observed that CASTAGNA exited from The Place Cafe to 103 New Britain Avenue several times during the surveillance.
11:50 a.m.	JOE SHEFF arrived at 103 New Britain Avenue with ERNIE VERDONE who was coming from The Place Cafe.
11:55 a.m.	CASTAGNA entered 103 New Britain Avenue from the Place Cafe stayed a short time and then left at 12:05 p.m. with JOE SHEFF.
1:00 p.m.	Surveillance discontinued. It was observed that during the period of the surveillance VERDONE, TIGNO, O'BRIEN and RONNIE LE CONCHE.

28

currently free on a \$50,000 appeal bond; on March 5, 1974 by the Newington Police Department for Assault 2d Degree, Assaulting an Officer, Threatening and Breach of Peace. These charges are still pending. CASTAGNA is described as a white male, 5'10", black curly hair, hazel eyes, heavy build, born September 1, 1940 at Hartford, Connecticut.

c. PATRICK A. CHIAPUTTI Disorderly Conduct. Chiaputti is described as a white male, born January 26, 1924, 5'9" tall, 185-190, black hair with gray, stocky build.

d. ROCCO R. COLANGELO, also known as "PEANUTS", was arrested on December 30, 1934 by the Hartford, Connecticut Police Department for armed robbery and was convicted; on April 14, 1941 by the Hartford Police Department for Violation of the Policy Law and convicted; on January 26, 1946 by the Meriden, Connecticut Police Department and forfeited a cash bond; on April 16, 1946 by the Hartford Police Department for Frequenting a Gambling Place and convicted; on January 23, 1951 by the Hartford Police Department for Breach of Peace, Resistance and Assault on a Police Officer and convicted; on July 30, 1956 by the Hartford Police Department for Resistance and convicted. COLANGELO is described as a white male, born July 23, 1916, 5'6", 150 lbs., medium build, brown hair and eyes.

e. RINALDO DI PIETROANTONIO, also known as "Pete", was arrested on November 27, 1948 by the Portland, Maine, Police Department for Larceny and convicted; on January 25, 1951 by the Sheriff's Office, Portland, Maine, for Breaking and Entering and Larceny in the Nighttime and convicted; on August 10, 1959 by the Hartford Police Department for Gambling and convicted. DI PIETROANTONIO is described as a white male, born April 15, 1929 at Portland, Maine, 5'10" tall, 230 lbs., heavy build, brown hair and eyes.

f. RALPH J. IRACE, also known as "Ralphie Irish", was arrested on September 20, 1954 by the Hartford Police Department for Gambling and was convicted; on June 9, 1958 by the Hartford Police Department for Gambling and was convicted. IRACE is described as a white male, born July 9, 1932, 5'8", 180 lbs., medium build, black hair and brown eyes.

g. RONNIE LE CONCHE, also known as "RONNIE" has no known arrest record.

h. JOHN X. LE CONCHE, also known as "John" was arrested on June 6, 1950 by the Hartford Police Department for Keeping a Gambling Place and convicted; on April 18, 1957 by the Hartford Police Department for Pool-selling and convicted; on September 10, 1959 by the Hartford Police Department for Carrying a Dangerous Weapon and was convicted; and on October 17, 1973 by the Hartford Police Department for Violation of the Anti-Gambling Act and was convicted. LE CONCHE is described as a white male, 5'7", 180 lbs., black hair, brown eyes, medium build, moustache, born September 10, 1919 at Hartford, Connecticut.

i. ELLIOTT LEFF, also known as "Leff", was arrested on September 13, 1953 by the Hartford Police Department for Pool-selling and received a \$300.00 fine, 60 days, suspended, Probation 2 years; on November 4, 1953 by the Hartford Police Department for Violation of Probation at which time the 60 day sentence was put into effect. LEFF is described as a white male, born March 15, 1930, 5'9" tall, 160 lbs., gray hair, gray eyes, medium build.

j. ANDREW J. LISELLA, also known as "Andy" was arrested on May 26, 1949 by the Hartford Police Department for Violation of the Prostitution Act and Frequenting a House of Ill Fame and was convicted; on November 3, 1959 by the Hartford Police Department for Gambling and was convicted; on September 30, 1960 by the Hartford Police Department for Obtaining Money by False Pretences and was convicted; on October 14, 1969 by the Manchester Police Department for Frequenting a Gambling House and Gaming and was convicted. LISELLA is described as a white male, 5'6" tall, 180 lbs., heavy build, brown hair and eyes, born August 29, 1928.

k. MICHAEL T. O'BRIEN, also known as "Mike" and "Fag" was arrested on August 24, 1974 by the Hartford Police Department for Carrying a Pistol Without a Permit and Carrying a Dangerous Weapon in a Motor Vehicle. These charges were nolleed on September 20, 1974. O'BRIEN is described as a white male, born January 23, 1942, 6'2" tall, 198 lbs., black hair, brown eyes, large build.

1. VICTOR A. PARENTE, also known as "Vito", was arrested on July 28, 1947 by the Hartford, Connecticut Police Department for Gambling and Frequenting a Gambling Place and convicted; on May 2, 1949 by the Hartford Police Department for Frequenting a House of Ill Fame and was convicted; on October 14, 1949 by the Hartford Police Department for Frequenting a Gambling Place and convicted; on November 18, 1949 by the Hartford Police Department for Resistance and convicted; on February 17, 1951 by the Hartford Police Department for Obtaining Money Under False Pretences and convicted; on June 19, 1951 by the Hartford Police Department for Obtaining Money Under False Pretences and convicted; on June 11, 1955 by the West Hartford Police Department for Obtaining Money and Goods Under False Pretences and convicted; on June 26, 1957 by the Hartford Police Department for Obtaining Money and Goods Under False Pretences and convicted; on October 5, 1957 by the Bristol Police Department for Attempting to Obtain Money Under False Pretences and was convicted; on November 3, 1959 by the Hartford Police Department for Gambling and was convicted; on April 13, 1960 by the Hartford Police Department for Obtaining Money and Goods Under False Pretences and was convicted; on April 9, 1963 by the Wethersfield Connecticut Police Department for Fraudulent Issuance of a Check and was convicted; on October 8, 1963 by the Hartford Police Department for Obtaining Money and Goods under False Pretences and was convicted; on September 24, 1968 by the Hartford Police Department for Gambling and was convicted; on January 13, 1972 by the Hartford Police Department for Fool-selling and was convicted; on March 9, 1973 by the Hartford Police Department for Betting on Horses and was convicted; and on October 30, 1974 by the Hartford Police Department for Gambling , charge pending. VICTOR A. PARENTE is described as a white male, born November 11, 1924, 5'5" tall, 160 lbs., black hair, brown eyes, medium build.

m. GIROLOMO SANTUCCIO, also known as "Bobby Doyle" was arrested on June 16, 1926 by the New York City Police Department on a Dangerous Weapon charge and was convicted. He is described as a white male, born January 30, 1900 in Italy, 5'2" tall, 150 lbs., stocky build, glasses with thick lenses, white receding hair.

n. JOSEPH PETER SHEFF, also known as "Sheff", was arrested on October 6, 1947 by the Hartford Police Department for Frequenting a Gambling Place and was convicted; on May 14, 1959 by the Hartford Police Department for Pool-selling and was convicted; on August 12, 1949 by the Hartford Police Department for Pool-selling and was convicted; on July 27, 1951 by the Hartford Police Department for Pool-selling and was convicted. JOSEPH SHEFF is described as a white male, born on November 10, 1923, 6 feet tall, 175 lbs., brown hair, green eyes.

o. JAMES SMUCKLER, was arrested on August 6, 1955 by the Hartford Police Department for Breach of Peace and was convicted. He is described as a white male, born on February 7, 1936, 5'8", 170 lbs., brown hair, medium build.

p. JOHN F. SULLIVAN, also known as "Jackie" is described as a white male, born November 14, 1943, 6'1" tall, 205 lbs., black hair and brown eyes.

q. PAUL JOSEPH TIGNO, was arrested on October 20, 1969 by the West Hartford, Connecticut Police Department for Fraudulent Issuance of Checks and was convicted. PAUL TIGNO is described as a white male, born August 5, 1940, 6'2", 170 lbs., brown hair and eyes.

r. ERNEST N. VERDONE, JR., also known as "Ernie" was arrested on September 19, 1973 by the Hartford Police Department for Possession of Controlled Drugs and was convicted of a substituted charge of Disorderly Conduct. VERDONE is described as a white male, born August 17, 1942 at Hartford, Connecticut, 5'11" tall, 195 lbs., brown hair, brown eyes, heavy build, moustache

s. ANTHONY D. VOLPE, also known as "Tony" was arrested on November 17, 1960 by the West Hartford Police Department for Gaming and was convicted; on July 28, 1949 for Breach of Peace by the Hartford Police Department and was convicted. VOLPE is described as a white male, born September 19, 1932 in Italy, 6' tall, 220 lbs., black hair, brown eyes.

D. GIROLAMO SANTUCCIO

15. On October 1, 1963, Joseph Valachi testified before the United States Senate Permanent Sub-Committee on Investigations of the Committee on Government Operations wherein he stated, under oath, that Girolomo Santuccio, also known as "Bobby Doyle", was a member of the Vito Genovese family of the La Cosa Nostra, and lived, as of that time, in Hartford, Connecticut.

Valachi, who testified that he was also a member of La Cosa Nostra, indicated that he was closely associated personally with Santuccio in Organized Crime activity, including murder, extortion, and bookmaking. Valachi indicated that Santuccio was involved in bookmaking and horse booking in Hartford, Connecticut.

Lt. John Roche, of the Hartford Connecticut Police Department, testified before the same Senate Sub-Committee, on October 1, 1963, that Girolomo Santuccio, also known as "Bobby Doyle", as an Organized Crime figure in Connecticut who had hung around the streets of Hartford for the past 10 years without any visible means of support.

This affiant, who has been a Special Agent for the F.B.I. for 20 years and assigned to the Hartford Residence Agency for the past 11 years, has had occasion to observe Girolomo Santuccio on numerous occasions during the past 11 years.

This affiant has observed Santuccio in the company of, and conversing with, known bookmakers and gambling figures, in the Hartford area, on many occasions on the streets of Hartford, and has not observed Santuccio engaged in any regular employment, if at all, during the past 11 years. Affiant has observed Santuccio in the presence of, and conversing with, Anthony Volpe, John Castagna and Michael O'Brien, among others.

E. DESCRIPTION OF PREMISES

16. The O'Brien-Sullivan Home Improvement Company, 103 New Britain Avenue, Hartford, Connecticut, is located on the first floor of a three-story, red brick and wooden, apartment building. The building is located on the Southwest corner of New Britain Avenue and Julius Street, Hartford, Connecticut.

The space occupied by the O'Brien-Sullivan Home Improvement Company faces New Britain Avenue and is located approximately in the center of the aforementioned structure with John's Delicatessen, 99 New Britain Avenue, also in the same structure, located immediately to the east, and a narrow driveway immediately to the west which separates it from the wooden frame building housing The Place Cafe, 107 New Britain Avenue. The space occupied by the O'Brien-Sullivan Home Improvement Company in the above structure has a cream colored wooden front with a central doorway, located between two large glass windows, over which is a blue and white sign stating, "Insurance-Real Estate, Protect what you have". In addition, venetian blinds run the length of the inside of the above two windows. When these blinds are open, a passerby is afforded a clear view into the front premises at 103 New Britain Avenue, Hartford. Exhibit A, attached hereto, a diagram of the interior of the premises at 103 New Britain Avenue, Hartford is provided by Lt. BIAGGO RUCCI, Hartford, Connecticut Police Department. The diagram is based on Lt. RUCCI's personal observations inside the above premises. This exhibit reflects that the front room of the above premises is separated from the rear area of the building by a paneled partition, which runs from the floor to the ceiling. (See page 16a).

F. SNETCO SUBSCRIBER INFORMATION

17. Records of the Southern New England Telephone Company, New Haven, Connecticut, reflected, on October 22, 1974, that telephone number 247-6309 is listed to the O'Brien-Sullivan Home Improvement Company, 103 New Britain Avenue, Hartford, Connecticut. There is no record of, nor, to the knowledge of the affiant, is there any indication of, any other telephone facility at 103 New Britain Avenue, Hartford, Connecticut, other than the telephone facility described above.

On October 22, 1974, Special Agent WILLIAM HENDRIX of the F.B.I. advised that JOHN O'CONNOR, Security Director, SNETCO, New Haven, Connecticut, informed him concerning Total Telephone Service. It should be noted that the telephone facility at 103 New Britain Avenue, Hartford, has an electronic

16a. LT. BIAGGIO RUCCI, Special Service Squad, Hartford, Connecticut Police Department, advised on December 9, 1974 that on December 9, 1974 he was on the premises at 103 New Britain Avenue, Hartford, at which time he noted that the premises are being remodeled. The desk and telephone have been placed behind the wall partition that separates the front room from the back room. They are located directly behind a two-way glass located in the above wall partition, which affords anyone seated at the desk a perfect view of anyone entering the front door. In addition, the ceiling has been lowered by placing a false hanging ceiling below the existing ceiling.

switching system known as Total Telephone Service. Mr. O'CONNOR advised that if an individual has Total Telephone Service, it would allow him to transfer, automatically all incoming calls to a second telephone at some other location. The individual accomplishes this by dialing the number of the transfer telephone into the telephone which has Total Telephone Service. This transfer number is then automatically registered by a computer in New Haven, Connecticut, and all incoming calls will be transferred automatically, until the customer clears this number from the computer. Mr. O'CONNOR also advised that Total Telephone Service in no way limits the customer's ability to make outgoing calls even though his incoming calls are being automatically transferred to a second number. Special Agent HENDRIX determined, on October 22, 1974, that telephone number 247-6309 is a total telephone, having one line and touch tone dialing.

G. NEED FOR WIRE AND ORAL INTERCEPTIONS

18. While physical surveillances have established a reasonably consistent pattern of conduct and association which point to the conducting of an illegal gambling business on the part of MICHAEL O'BRIEN, JOHN F. SULLIVAN, JAMES SMUCKLER, JOHN X. LE CONCHE, VICTOR PARENTE, ANTHONY D. VOLPE, RALPH IRACE, and others as yet unknown, these observations do not amount to sufficient proof of a violation of Title 18, United States Code, Section 1955. While execution of search warrants involving the individuals and locations relevant to this investigation might conceivably produce gambling-related paraphernalia, in my experience that gambling records are often sketchy in nature, often contain code names, and rarely establish a provable connection between all the participants in the gambling business. In this regard, Sgt. BERNARD SULLIVAN, of the Intelligence Division, Hartford, Connecticut Police Department, advised, on October 18, 1974, that pursuant to local court-authorized search warrants, officers of the Hartford Police Department had conducted searches of the premises at 103 New Britain Avenue, Hartford on October 3, 1972, January 31, 1973 and February 8, 1973, in an effort to uncover gambling related paraphernalia, but said searches were unsuccessful

and no records were found.

None of the informants, cited above are willing to testify, as to the information they have imparted, for fear of the personal safety.

I also know from my experience that a grant of immunity to gamblers for their testimony before the Federal Grand Jury investigating organized gambling in the State of Connecticut is not always productive. Gamblers, when immunized, sometimes admit their participation in an illegal gambling business; they are extremely reluctant and unwilling, however, to implicate other bookmaking associates, either because of fear for their personal safety or fear of being ostracized from the gambling community. Moreover, it is unusual for any one member of the illegal gambling business, except for the major participants, to know the full extent and involvement of all the other members of that business. In this case, the caution exhibited by O'BRIEN, SULLIVAN, SMUCKLER, VOLPE and others, while inside 103 New Britain Avenue, the use of locked doors, and a telephone having total telephone service, all are indicative of a well organized conspiracy which can be uncovered fully only by use of electronic surveillance.

The use of telephone toll call records is of limited use in that they do not show the participants to a telephone call, nor the content thereof, and are thereby inadequate as proof of the alleged offenses in this case. Further more, there is no evidence that gambling calls are being made outside the non-toll dialing area.

The use of undercover agents is not a feasible investigative technique because of the length of time needed for such an agent to gain the confidence of the participants, assuming that is possible at all, and also because surveillances of 103 New Britain Avenue have clearly indicated that some of the participants display extreme caution when entering and exiting the premises, and that some individuals, even known gamblers, have been denied entry on certain occasions for reasons unknown.

It is my experience and belief that the interception of wire and oral communications, which is applied for herein, is the only available means calculated to identify all the individuals involved in this illegal gambling business and the only method of investigation likely to provide the quantum of necessary evidence.

H. REQUESTED HOURS OF INTERCEPTION

19. This investigation involves the operation of an illegal sports and horse bookmaking operation. From my experience, I can say that the hours during which bookmakers accept "action" on sports or horse racing events vary according to, but have a direct correlation with, the scheduled starting time for the sporting or horse racing event. For example, a sports bookmaker operating strictly during the football and professional basketball seasons (as has been the case with most of the observations previously cited) will involve activity throughout the morning, afternoon and early evening hours during the week inasmuch as the professional basketball games are played at night throughout the week, so that most basketball wagers will occur during the late morning and afternoon hours and early evening hours prior to game time. With regard to wagering on football games, most wagering will be accepted during the late morning and afternoon hours on Saturday and Sunday with some activity generated two or three hours prior to the Monday night professional football game. Wagering on horse racing usually begins in the late morning hours and continues up to post time for the last race (usually approximately 5:30 p.m.). With respect to any bookmaking activity, however, it is my experience that although actual wagering and the placing of layoff wagers will cease as the events wagered on begin, a bookmaker will continue to utilize his phone in order to discuss results, discuss settlement of accounts, and otherwise exchange other gambling information for a period of time after the actual wagering is ceased. Based upon a combination of the informant information provided, the visual observations, and my knowledge and experience of the manner in which an illegal gambling business is conducted over the telephone, I believe that there is probable cause to believe that conversations providing evidence of violation of Title 18, U.S.C., Sections 1955 and 371, will be intercepted at the following locations during the following periods of time:

Over telephone 247-6390, listed to O'Brien-Sullivan Home Improvement Company, 103 New Britain Avenue, Hartford, Connecticut between 9:00 a.m. and 10:00 p.m., Sunday through Saturday

Conversations occurring within the premises, 103 New Britain Avenue, Hartford, Connecticut between the hours of 9:00 a.m. and 10:00 a.m., Sunday through Saturday.

Monitoring of telephone conversations over 247-6309 and oral conversations within the premises, 103 New Britain Avenue is requested for a period of fifteen days from the date of the Order.

It is contemplated that a microphone will be utilized in a strategic location in the front room at 103 New Britain Avenue, Hartford, Connecticut.

The interception of all communications will be conducted in such a way as to minimize the interception of communications not otherwise subject to interception under Chapter 119 of Title 18, United States Code. Oral interceptions will not be undertaken until physical surveillance, or other investigative procedures, have indicated that at least one of the individuals named in paragraph 3a above is inside 103 New Britain Avenue, Hartford.

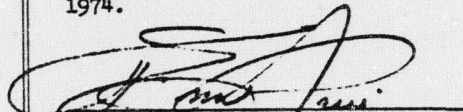
Conversations requested to be intercepted involve the placing and accepting of horse and sports wagers, exchange and dissemination of "sports line" information and odds on entries on horse races, conversations which relate to settlement of accounts between and among bookmakers and bettors, conversations in which there is an exchange of gambling information to assist in the placing of bets and wagers, conversations involving the placing and accepting of "layoff" wagers, conversations involving the dissemination of football pool tickets, and conversations which reveal the identities of those involved in, and the nature and scope of, the conspiracy. The activity to be electronically covered is believed to represent a continuing criminal conspiracy. It is further believed that the evidence sought will be obtained on a continuing basis on several days exceeding the first interception. Therefore, it is requested that this interception not automatically be terminated when the communications sought are first intercepted, but shall continue until communications are intercepted which reveal the manner in which MICHAEL O'BRIEN; JOHN F. SULLIVAN, also known as "Jackie" Sullivan; JAMES SMUCKLER; RONNIE LE CONCHE; ERNEST VERDONE, also known as "Ernie Verdone; JOHN X. LE CONCHE; VICTOR PARENTE, also known as "Vito" Parente; RALPH IRACE, also known as "Ralphie Irish"; JOHN A. ABRONZINO, also known as "John the Barber"; ELLIOTT LEFF, and others as yet unknown, participate in an illegal gambling business and which reveal the identities of their confederates,

39

their premises of operation and the nature and scope of the conspiracy involved therein, or for a period of fifteen days from the date of the order, whichever is earlier.


Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before
me this 16th day of December,
1974.


United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

* * * * *

IN THE MATTER OF APPLICATION OF * DECEMBER 16, 1974
THE UNITED STATES FOR AN ORDER *
AUTHORIZING THE INTERCEPTION OF * Hartford, Connecticut
WIRE AND ORAL COMMUNICATIONS *
* at 2:00 p.m.

* * * * *

Before: HON. T. EMMET CLARIE, CHIEF JUDGE
(In Chambers)

Present:

PETER R. CASEY, III, ESQ.
PAUL E. COFFEY, ESQ.
Special Attorneys
United States Department of Justice

MR. DEWEY L. SANTACROCE
Federal Bureau of Investigation

Elliott Sperber
Official Court Reporter
District of Connecticut

MR. COFFEY: Good afternoon, your Honor.

For the record, my name is Paul Coffey, and with me is Special Attorney Peter Casey, who as you also know is a Special Attorney with the Department of Justice.

With Mr. Casey is Special Agent of the FBI, Dewey L. Santacroce. And our purpose for being here this afternoon is to apply to this Court for a wire and oral interception, pursuant to an authorization to apply for said interception by the United States Attorney General, William Saxbe, and pursuant to notification by the Organized Crime Section to Mr. Casey, through the Boston Strike Force.

Mr. Casey will be the applicant for the wire interception and Agent Santacroce will be attesting to an affidavit this afternoon, in support of probable cause for those wire and oral interceptions.

And it is, I guess, my real presence here this afternoon is just to give whatever assistance I can, since I think that this is Mr. Casey's first application of this nature.

I would request that after Mr. Casey shows you the form, the proposed order for the wire interception, and the proposed order for the pen

register device, that Agent Santacroce be placed under oath, so that anything he states in response to any questions that the Court might have, will be under oath, and therefore will be a part of the probable cause in support of these interceptions.

And I think I should say, for the record, that Mr. Casey is a law enforcement officer within the meaning of Section 25-16, and is authorized to apply for said wire or oral interceptions.

THE COURT: All right, if you will stand, Agent Santacroce, and raise your right hand?

(Agent Santacroce was sworn by the Court.)

THE COURT: Do you wish to question him, Counselor?

MR. CASEY: Well, your Honor, to begin with, I will hand your Honor a copy of what is yet an unsigned affidavit of Special Agent Santacroce. I also draw your Honor's attention to a proposed application, to which is attached a copy of the authorization signed by William B. Saxbe, Attorney General of the United States, and a letter of authorization signed by Edward T. Joyce, Deputy Chief of the Organized Crime and Racketeering Section of the Criminal Division, authorizing this application.

THE COURT: Taking first things first, the application. Why don't we mark that as an exhibit, for purposes of the record?

Has this been signed by you, Mr. Casey?

MR. CASEY: No, your Honor. I wanted to sign it in your Honor's presence.

THE COURT: Now, before we get to that, I note that you refer to a Xerox copy of a letter dated December 12, 1974, addressed to the Assistant Attorney General, Criminal Division, from the Attorney General. The subject matter is "Authorization for interception order application."

It is purportedly signed as of December 12, 1974, by William B. Saxbe.

Are you sufficiently versed in his signature to be able to identify it as being signed by him?

MR. COFFEY: Your Honor, I might point out that I had occasion to be in Washington last Thursday and Friday, and the papers which Mr. Casey gave you, and attached to his application, were hand-carried by me from the Department of Justice.

I was not present there when Mr. Saxbe in fact signed it. I do know the attorney, however, who processed the papers, and took them up to the Attorney General's office.

And ever since the Giordano decision I know, from my familiarity with these matters, that the Attorney General himself has very carefully signed these letters.

And I was informed by all the officials in the Organized Crime Section having knowledge of this particular application, that it is authorized by the Attorney General himself.

THE COURT: And from your general observation of his signature, in the brief time you have had to observe it, do you recognize -- I realize that you are not a professional handwriting expert -- but for general purposes, do you recognize it as being his signature?

MR. COFFEY: It certainly appears to be his signature, your Honor.

THE COURT: Very well.

Do you know where the original copy of this memorandum is?

MR. COFFEY: Yes, I do, your Honor. It is in the file, under lock and key, in the Organized Crime Section in Washington. In fact, I inquired when the letter came through; I asked for the original, and I was informed that for purposes of safekeeping the originals are kept in Washington.

And direct copies, photostatic copies, are made of the original, to be sent forward to the Court.

And attached to the Xerox copies would be the original letter signed by Mr. Joyce, as the Deputy Authorizing Clerk -- the Deputy who informs the Boston Strike Force that one of his attorneys may make the application. And I was present when that letter was signed.

THE COURT: And this letter, over the signature of Henry E. Petersen, by Edward T. Joyce, do you have personal knowledge that that was signed by Mr. Joyce?

MR. COFFEY: Yes, it was, in my presence.

THE COURT: Very well.

MR. COFFEY: Incidentally, your Honor, I have seen the original, but I was not authorized to be allowed --

THE COURT: The original of which letter?

MR. COFFEY: Of Mr. Saxbe's letter.

MR. CASEY: Your Honor, would you like me to sign the application at this time?

THE COURT: Yes, if you will, please.

I believe this has to be sworn to; is that correct, subscribed and sworn to?

MR. CASEY: Yes.

THE COURT: All right, Mr. Casey, Peter R. Casey, have you read this application, consisting of six pages?

MR. CASEY: Yes, I have, your Honor.

THE COURT: And are you ready and willing to swear to the truth of the contents thereof, to the best of your knowledge and belief?

MR. CASEY: Yes, I am, your Honor.

THE COURT: Very well. Raise your right hand.

Do you solemnly swear that the contents of the application which has been submitted herewith is true, to the best of your knowledge and belief, so help you God?

MR. CASEY: Yes, I do.

THE COURT: For the purposes of our record, suppose we mark this application Government Exhibit A, the authorization of William Saxbe -- or we will call it A-1.

And the United States Department of Justice document, we will call that A-2, and attach them together in that order.

MR. CASEY: Your Honor, I would also like to hand you a proposed order for the --

THE COURT: Before we get to the order, suppose we hear from Agent Santacrose?

DEWEY L. SANTACROCE, having been
duly sworn by the Court, testified as follows:

EXAMINATION BY MR. COFFEY:

Q Agent Santacroce, have you had an opportunity to look at the affidavit which has been handed to Judge Clarie this afternoon?

A Yes, I have.

Q To the best of your information and belief, are all the matters and statements contained in that affidavit true and accurate, to the best that you have been able to determine?

A Yes, they are.

Q Have you had an opportunity to personally discuss with Detective Sullivan the information being given to him by the informant, and have you had an opportunity to inquire of Detective Sullivan if the statements in your affidavit accurately reflect what was told to him by his informant?

A Yes, I have.

Q I take it that you also had occasion to conduct some of the surveillance, or observe some of the acts of these individuals occurring outside, or within the window, within the plain view of you, at the O'Brien-Sullivan Home Improvement Company?

A Yes.

Q To the best of your knowledge are all the

surveillances which were conducted accurately set out, insofar as they relate to the individuals named in the affidavit?

A Yes, except that most of the surveillances in there were conducted by the Hartford Police.

Q Right. And the information which respect to the surveillances by the Hartford Police was related to you by Detective Sullivan?

A Yes.

Q All right. Do you recall, without referring to the affidavit -- and if you have to, by all means do so -- when the last information was given by an informant, as reflected in the affidavit itself?

A Yes, the last information was furnished on December 6th, reflecting activity that happened inside of the premises at 103 New Britain Avenue, on December 4, 1974.

Q All right. Let me ask you just if during December, the period December 6th through today -- which is the 16th -- whether there has been any further information provided?

A No, sir.

Q So all the informant information which has been given by Detective Sullivan to you has been incorporated into your affidavit?

A It has.

Q And do you have probable cause to believe that the

activities of an illegal nature, that is gambling, is being conducted at the O'Brien-Sullivan Home Improvement Corporation, that it is continuing today, and will continue to occur during the period of interceptions requested by the Department of Justice today?

A Yes, I do.

MR. COFFEY: I think that probably covers my preliminary questions.

THE COURT: I note in the application, Agent Santacrose, reference to a prior wiretap, authorized by Judge Blumenfeld?

THE WITNESS: Yes, sir.

THE COURT: Has that wiretap been tested in court, as to its validity, if you know?

THE WITNESS: It is presently in the motion stage, your Honor.

THE COURT: My reason for inquiring is, whether or not, in light of the fact that part of this application is based upon another wiretap, if the first one is invalid, and that were a crucial part in the granting of this one which is before the Court, then the two might fall together.

And the reason for my inquiry is to determine whether or not the first one had been tested, before incorporating it into the second one.

MR. CASEY: Perhaps I can ask two or three questions, your Honor, and then I can apprise the Court of what the legal status of the wiretap is.

BY MR. COFFEY:

Q Agent Santacroce, do you recall wiretaps being conducted in October, November of 1971, I believe, against -- amongst others, Emil Sapere, Vincent Sapere, and Dominic Sapere?

A Yes, I do.

Q And are you aware of the fact that those wiretaps have been declared to be illegal, and the evidence from those wiretaps having been suppressed as a result of inadequate authorization by the Department of Justice?

A Yes.

Q Is your application with respect to probable cause here today, your affidavit, I should say, based on, or the fruit of any evidence secured from the Sapere wire intercepts in October and November of 1971?

A None whatsoever.

Q And by that question I also encompassed any leads, searches, or fruits of those wiretaps in 1971?

A None.

Q All right.

Now, in March of 1973 were you aware that wire interceptions were conducted over a telephone facility used by

an individual by the name of Michael Chiarizio?

A I was.

Q In fact, you were the case agent, were you not?

A Yes.

MR. COFFEY: At this time, your Honor, perhaps I can apprise the Court what the status of the case is.

The Chiarizio case resulted in an indictment of twelve people, for violation of 18 U.S.C. 195.

The present hearing was held by Judge Blumenfeld, earlier this year -- I think in September of this year was the last testimony that was taken.

The Government and defense counsel have briefed the appropriate issues, and we are awaiting a ruling by Judge Blumenfeld.

The wire interceptions were authorized by the Attorney General, and were granted by a Court of competent jurisdiction, that is, by, I think, Judge Blumenfeld; as a result of which we certainly think at this stage that there is a prima facie showing of the fact that they were legal wiretaps, which we would certainly assert, and allows us to go forward here today.

There is one problem I can see in Title 18,

Section 2518. And that is that the section requires that we advise the Court of any prior wire interceptions involving any of the people whom we suspect might be picked up on this particular wiretap.

And that section is independent of what we must show in the way of probable cause. So that even if the wiretap against Chiarizio were illegal, we would still have to tell the Court that he was subject to that wiretap, to comply with Section 2518-5, I believe -- I'm not sure of the sub-section.

THE COURT: Why don't we check it, so that there is no question?

MR. COFFEY: And we are not relying upon -- and by that I don't believe Mr. Casey or Agent Santacroe -- we are not relying upon, for probable cause, anything in the application or affidavit which sets out any prior wiretaps. And the only reference in the wiretap application or affidavits is to comply with Section 2518-1-e, which requires that a full and complete statement of the facts concerning all previous applications known to the individual authorizing or making the application, involving any of the same persons, facilities or places specified in the application -- so that the

statute would require Mr. Casey to give a full and complete statement, as we would submit he has, in taking all the papers before the Court in total, of any prior applications.

Now, I will ask Agent Santacroce if there is any probable cause to believe that any individual, other than Michael Chiarizio, to whom you made reference already in your affidavit, will be monitored on the premises of O'Brien-Sullivan Home Improvement Corporation, who has been previously subject to wire interception?

THE WITNESS: John X. LeConche.

MR. COFFEY: Your Honor, John LeConche, who is named as a party against whom we submit there is probable cause of committing this offense, was one of the ten Sapere defendants in the original October and November 1971 wiretaps, which I know the Court is extensively familiar with.

And Agent Santacroce said this application does not arise out of any fruit of those wire interceptions.

But, the Court should be aware of the fact that Mr. LeConche has been intercepted previously. And we would submit, for purposes of complying with Section 2518-1-e, that the Court should satisfy

itself with respect to what individuals may have been previously monitored. But, that with respect to weighing probable cause against Mr. LeConche, or any other individual, the Court should not rely upon the fact that within the four corners of the affidavit, that Mr. LeConche has been subject to any prior wiretap.

BY MR. COFFEY:

Q Is there anyone else, Agent Santacroce?

A Yes, Michael O'Brien. He is named in the affidavit also.

Q When was Mr. O'Brien monitored?

THE COURT: You may want to refresh your memory on these, because there are several names involved.

THE WITNESS: Between the period March 22nd, 1973, through April 2nd, 1973.

Q (By Mr. Coffey) Was Mr. O'Brien one of the individuals whom you identified as gambling with Mr. Chiarizio?

A Yes.

Q What code name was he using, if any?

A "Fag".

Q All right. Was Mr. O'Brien indicted in the Chiarizio case as a result of the March interception?

A No, he was not.

Q Is your probable cause against Mr. O'Brien, as set out in your affidavit today, based on any wire interceptions you conducted against Mr. O'Brien previously, with respect to Mr. Chiarizio?

A No.

Q Now, Mr. O'Brien, Mr. Chiarizio, Mr. LeConche, who you have already indicated; what facts have you which would indicate that Mr. Chiarizio would be intercepted at the premises of O'Brien-Sullivan Home Improvement Company, even if that information falls short of probable cause?

A The fact that he has been observed visiting there on occasion.

Q And if he visited on occasion during the wire interception he might be monitored; is that it?

A That's true.

Q Now, are you aware of any other individuals, other than the ones you have just mentioned, who have been seen on the premises, or against whom there is probable cause to believe would be involved in the offenses you are alleging here today in your affidavit, who have been previously monitored?

A No.

THE COURT: I note in the order, the proposed order, it mentions the Home Improvement Company, 103 New Britain Avenue, bearing a telephone number

247-6309, and the premises located at 103 New Britain Avenue, Hartford, Connecticut.

Does that include more than one telephone that is to be scrutinized and surveillance to be applied to?

MR. CASEY: I think I can clarify this by pointing out that this application is for both a wire interception, which concerns the telephone which you just mentioned, and an oral interception of the premises at which the phone is located.

So that is the reason for -- there is only one phone of the number you mentioned, and that is for the wire intercept.

The other, the premises at 103 New Britain Avenue, is for the oral intercepts.

THE COURT: So that the record will disclose what you mean by "oral interception" -- we read cases about one using a detector, on the outside of a public telephone booth, or etcetera -- what type of oral interception is proposed by the Government, if you know?

MR. COFFEY: Your Honor, it would be a device which would allow for the monitoring and recording of the conversations taking place within the four walls of the room that we know as O'Brien-Sullivan

Home Improvement Corporation.

The actual technical device to be used has yet to be determined, because of course there has been no entry by the Government on the premises. So the feasible means is not known yet.

THE COURT: In other words, so that it will be clear, what you would do is to place a microphone broadcasting unit, the contents of which could be picked up within the immediate area of a recorder, that would record whatever conversation was relevant within the particular room or address, at that address?

MR. COPPEY: Basically, your Honor, the recorder probably would be here in the Federal Building. It would be some type of system whereby the microphone would relay the conversations to a neutral recording place.

THE COURT: Is that one room, or are there multiple rooms? So that when we get the question of a hearing on this, at least the Court will be able to say that it knew the nature of the surveillance that was going to be imposed.

I don't know whether a sleeping quarters are in there, whether there are living quarters of any kind, or how many people live there, if any.

What kind of premises is it? Is it a business room, which is purportedly used as a booking establishment?

MR. COFFEY: Yes, your Honor. Agent Santacroce, do you have a diagram?

THE COURT: You better have him tell you, because they will say, Mr. Coffey, at the hearing, "Were you there? How could you describe it?"

I think that you better have the agent describe what he is referring to.

This is, purportedly, a general description of the interior of the premises at 103 New Britain Avenue; is that correct?

THE WITNESS: That's correct, your Honor.

THE COURT: Should we have that marked as an exhibit, as long as reference has been made to it?

MR. COFFEY: Yes, very definitely, your Honor. I will ask Mr. Casey to inquire of Mr. Santacroce, how that diagram is deemed to be accurate.

THE COURT: Suppose we mark the application, as we agreed, so that there will be no confusion, as Government's Exhibit A, for purposes of this application.

The Saxbe letter will be A-1, and the Joyce letter A-2.

Now we come to the proposed room -- just so that there will be -- we will mark that Government's Exhibit B.

Did you want to ask any questions about that, Mr. Casey?

MR. CASEY: Yes, your Honor.

BY MR. CASEY:

Q Agent Santacrose, this diagram labeled 103 New Britain Avenue, Government's Exhibit B, was that diagram prepared by you?

A No, sir, it was prepared by Lieutenant Biagio Rucci, Special Service Squad, Hartford Police Department, on December 9th, 1974.

Q How did Lieutenant Rucci come by the information from which this diagram was drawn?

A He prepared it from visual observation, and visits to this place during the course of the day, while Mr. O'Brien and other individuals were on the premises.

Q What day was this?

A December 9th.

Q December 9th?

THE COURT: And he gave it to you pursuant to your mutual investigatory efforts?

THE WITNESS: Yes, sir.

THE COURT: Very well.

Now, I note one more thing in here, in this application. It sometimes comes out at hearings: "All normal investigative procedures have been tried, and failed, or reasonably appear unlikely to succeed, if tried."

Would you want to elaborate a little more on that allegation?

MR. COFFEY: Yes, your Honor.

BY MR. COFFEY:

Q Agent Santacrose, because of the surveillances, have you and/or the police officers working with you determined that steps are being taken by these individuals to prevent the seizure of records, if normal search and seizure warrants were obtained?

A Yes, we have determined that they used a grease pencil on top of a glass desk top, in the event that police detect them writing any kind of waging action on the top of the desk, they can wipe it off with the grease pencil, before the police arrived.

They recently moved the desk behind approximately an eight foot partition, with a window in it, where they can sit behind the desk, write action, and look out the front door and see anybody coming in. And they can erase the action immediately if anybody entered the premises.

Q Have you determined if toll call records at the

Home Improvement Company would be adequate to prove a 1955 violation?

A We did an earlier toll call check last year, and although it showed numerous phone calls throughout the country, it would not be adequate to make up probable cause for violation of Title 18 U.S. Code 1955.

Q Incidentally, Agent Santacrose, in this regard is there anything peculiar about this phone, to the best of your knowledge, which would even further prevent an analysis of toll call records?

A Yes, a new device -- if you wish, it is a total telephone instrument, whereby the person who has the phone, by dialing the number into the telephone system can have incoming calls switched to a third number, which in turn could be switched to another number.

However, this does not disrupt his capability of making outgoing calls.

Q This is called "Total Phone Service"?

A Yes.

Q Have you sought to determine if any informants will testify, either before a grand jury or at trial, with respect to their knowledge of this illegal gambling business?

A Yes, none of the informants mentioned in this will testify.

Q Is there any precautions being taken by these

individuals involved in the illegal gambling business with respect to allowing others, other than close associates on the premises?

A Yes, they lock the door, for one thing, behind them. And only their immediate friends and associates in this business are allowed access into the premises. Lieutenant Rucci of the Hartford Police Department and the Special Service Squad is known to them, and they are very circumspect about what they say when he is on the premises.

Q Would this affect any use of undercover personnel to detect the illegal gambling business?

A Absolutely. It is almost a closed circle. We could not reasonably be able to put an undercover person in there, with any degree of safety.

Q How long have you been an FBI agent?

A Twenty years.

Q How long have you been investigating gambling cases?

A Since 1970; four years.

Q Do you have any idea how many gambling operations you have investigated during the course of that time?

A I don't have any real idea, no. But, many.

Q And based on those many investigations, and your own experience, and based upon the fact that you have been a case agent in a number of wiretap cases in court, are you generally familiar -- and I only use the word "generally" --

with the requirements of proof under Section 1955?

A Yes, I am.

Q You are an attorney, are you not?

A I have a law degree.

Q Yes, and as a result of that, is it your conclusion that wire and oral interceptions at this point are the only means available which would result in sufficient evidence, admissible in a court of law, with respect to this illegal gambling business?

A Yes, I am.

MR. COFFEY: I think that concludes my inquiry.

THE COURT: And I think one final question on that: Are you satisfied that a grand jury procedure would not discover and bring about the necessary evidence for finding the truth, and resulting in a conviction?

THE WITNESS: Yes, sir, I am.

THE COURT: And that is because there is a lack of people or persons willing to come forward and testify?

THE WITNESS: Yes, sir.

THE COURT: And if these people were brought in to testify, it would tend to disclose the undercover investigation, and in all probability would terminate --

THE WITNESS: It would terminate their activities there, yes, sir.

THE COURT: Now, did I understand correctly that these other prior wiretap authorizations that have been mentioned -- no, your application does not in any way depend directly or indirectly upon any information which came from those wire interceptions?

THE WITNESS: That's correct, sir.

THE COURT: So that the record will be clear on that point, you are referring to the substantive nature of the information, and not the identity of some of the persons who may be involved?

THE WITNESS: That's correct.

THE COURT: And does the order make provision for protection against at least, on the wiretap, for the unnecessary disclosure or discovery of conversation not relevant to the matter of the investigation?

MR. CASEY: Your Honor, I believe that the order calls for the wire interceptions to tapes only between the hours of 9:00 a.m. and 10:00 p.m. All necessary means will be taken in order to minimize the interceptions by the agents, as quickly as they become familiar with the voices of individuals using the telephone.

It is our information that there is no legitimate business that is carried on at this address. Our expectation is that all conversations that will be intercepted will be of an illegal nature.

However, as I say, the hours of the interception will be limited, and steps will be taken immediately to as quickly as possible familiarize the intercepting agents with the voices of the individuals involved in this illegal gambling business.

MR. COFFEY: We have two requests, your Honor. One, if when at 10:00 p.m. on any given evening rolls around, the individuals on the premises are still on the premises, and gambling conversations have been intercepted, that day, while any of those individuals are on the premises, that the Court then allow Special Agents of the FBI to continue interception that day until such time as the shop is closed for the evening.

THE COURT: Is that in the order?

MR. COFFEY: I don't believe it is, your Honor. And I only bring that up in discussions with Agent Santacroce, wherein it was indicated that there have been times when lights have been on, and

individuals have been seen in the place after 10:00 p.m.

If the shop has been closed before 10:00 p.m., the order would provide that interceptions terminate. But, if individuals are found to be on the premises, and gambling conversations have been intercepted prior to 10:00 p.m., while any of those individuals are on the premises, then we would ask that the interceptions continue until the individuals leave the premises.

I think that would be reasonable, and there would be probable cause to continue interceptions, and it would be only good law enforcement.

I don't think the order would have to state that, if the Court would simply say on the record that under those circumstances interceptions are to continue.

My second request is --

THE COURT: You are going to audit the time of each conversation, of course, aren't you?

MR. COFFEY: The log will show at what time conversations were monitored.

I think that's correct, isn't it, Agent Santacroce?

THE WITNESS: That's correct.

MR. COFFEY: Secondly, your Honor, I may be wrong about this, because Mr. Casey is probably more familiar with it -- but with respect to our normal procedure in wire interceptions, it is that the probable cause is against the telephone facility itself, as well as against individuals. And that all calls may be at least initially monitored, to determine whether or not they are of an illegal nature.

And of course, if they are not, they are terminated. And if a call is of an illegal nature, and then becomes innocent in nature, that call is terminated.

We would anticipate that that would continue, and that the Court would so allow us to monitor calls until that determination is made, at which time minimization will occur.

With respect to the oral interceptions, I think that we are going to request the Court that as long as one of the individuals named in the application as committing this offense is on the premises, that oral conversations may be monitored by the agents, unless such conversation is determined, after initial monitoring, to be innocent in nature; at which time the recording will be terminated.

This is a rather sticky area, in the sense that, on like a telephone call which usually has a specific purpose, I think it is reasonable to conclude that individuals, as far as oral interceptions are concerned, are going to talk about both illegal and legal subjects, and that there will be quite a mixed breed of each.

So we would ask the Court to allow the agents to monitor all oral conversations, except for those that are absolutely determined to be innocent in nature, at the very beginning, as long as one of the individuals named in the order and application are on the premises.

And I think Agent Santacrocce -- will there be surveillance to determine if one of these individuals are on the premises before oral monitoring is conducted?

THE WITNESS: Yes, there will be.

MR. CASEY: Your Honor, I might point out that minimization is in the order, the proposed order. That no oral communications will be intercepted until one of the named individuals is physically placed on the premises.

THE COURT: And so that it will be clear, I think I better ask Agent Santacrocce: It is your

representation, after general investigation by yourself and the Hartford Police Department -- I assume it is the Hartford Police Department?

THE WITNESS: It is, sir.

THE COURT: You have ascertained, with reasonable certainty, that there is no lawful business being conducted at this location, 103 New Britain Avenue, Hartford, under the name O'Brien-Sullivan Home Improvement Company?

THE WITNESS: That's correct, sir.

THE COURT: And so that the record will be fulfilled, what degree of certainty, with what degree of certainty has that been established?

My reason for the inquiry is when you permit general taping of all information in a business premises, if it is with reasonable certainty an illegal premises, for all purposes, then the justification for permitting it is more real. Whereas, if a legitimate business is in operation, and illegal activity is carried on, it creates a different circumstance, or atmosphere, for the purpose of granting or limiting general taping of conversation.

THE WITNESS: Primarily, based on information from the informant that no legal business, no

business whatsoever is being carried on there of a legitimate nature, surveillances by police officers show that no activities are attendant at the location that would ordinarily surround a regular, every day business.

THE COURT: And the informant upon which you rely is referred to in the application?

THE WITNESS: Yes, sir.

THE COURT: And the informant upon which you rely has been found to be reliable, previously?

THE WITNESS: Yes, sir.

THE COURT: In giving information that led to a disclosure of criminal activities, which resulted in arrests and convictions of other persons?

THE WITNESS: He has, yes. He has, yes, sir.

THE COURT: On one occasion, or several?

THE WITNESS: Several occasions.

THE COURT: Very well.

And one final question: To your knowledge has he been on the premises to observe personally, as the basis of the conclusions which he has revealed to you, or to the other officers?

THE WITNESS: Yes, he has.

THE COURT: Now, this proposed order provides for a report on the 5th and 10th day, and a maximum

number of days, fifteen; is that correct?

MR. COFFEY: That's correct.

MR. CASEY: That's correct.

THE COURT: Is there anything that we haven't covered that is relevant to this application?

MR. COFFEY: Your Honor, may I ask the Court to state, if it is inclined to do so, in the record, if the Special Agents will be allowed to monitor after 10:00 p.m., on the peculiar circumstances that I previously described?

THE COURT: I think it is all right to do that, but I think it would be much more appropriate to include it in the typewritten order, rather than to simply rely upon an observation. Because when the time comes, if that time does come, when this is to be challenged, the counsel for the defendants -- whoever they might be -- are likely to object on the grounds that only the written order should describe the authority for the taping. And if it is not within that, comments made at this hearing should not prevail.

So, to avoid that it would be a simple matter to amend that to include it in the order proper.

MR. COFFEY: All right. May I suggest, your Honor, that we go ahead with the order and

application which has been given to you, and that I am sure we can provide an appendix to the order, which will just cover that subject.

THE COURT: Very well.

MR. COFFEY: That will allow us not to hold up some rather technical and complicated matters.

THE COURT: When will you come in?

MR. COFFEY: That will be this afternoon, your Honor.

THE COURT: You will come in this afternoon with the appendix or amended order?

MR. COFFEY: Yes, we will, your Honor.

THE COURT: Very well.

MR. COFFEY: But the immediate signing of the order -- if the Court will allow it -- will allow us to get to the telephone company on other related matters.

Secondly, on the 5th and 10th, and this always happens in these applications, the 5th day I think is a Saturday or a Sunday. If the Court signs the order today it will be the 21st.

I would suggest that the first progress report be made on the 20th, on the fourth day.

THE COURT: All right. Suppose we change that now, so that there will be no --

MR. COFFEY: That will be the fourth day?

THE COURT: Yes, on the fourth.

MR. COFFEY: And the tenth day is all right with us, your Honor, except it is the day after Christmas. And that report can be made to you in Danielson, if you so desire.

THE COURT: I will be here, I expect, on the 26th and 27th.

MR. COFFEY: I am sure it can be --

THE COURT: So there is no problem. The tenth day would be the 26th; is that right?

MR. COFFEY: Yes. That is what my count is. I am not counting today; I'm counting days of interception, which would make the tenth day the 26th.

THE COURT: So it would be the fourth and tenth day?

MR. COFFEY: Yes.

THE COURT: All right.

I note on the proposed order that it has "subscribed and sworn to before me" -- I don't think that is necessary, for the Court to sign.

MR. COFFEY: No, that is not necessary.

THE COURT: Let's see. Today we said is December 16th, and the Court is signing it, according

to your thing there, it is 2:52.

MR. CASEY: Your Honor, perhaps you would like to have Agent Santacroce execute this affidavit at this juncture?

THE COURT: That probably should have been done first.

All right, you have read this affidavit and the contents thereof, Agent Santacroce?

THE WITNESS: Yes, sir, I have.

THE COURT: Very well, if you will sign it, please.

Do you solemnly swear to the truth of the contents of this affidavit, to the best of your knowledge and belief, so help you God?

THE WITNESS: I do.

THE COURT: We better change this to 2:53, rather than 2:52.

MR. COFFEY: Your Honor, Mr. Casey has also a proposed order which the Southern New England Telephone Company requires to be provided.

THE COURT: A pen recorder is not asked for here?

MR. CASEY: Yes, we have a proposed application and proposed order for the use of a pen register device.

This is the application for the pen register.

THE COURT: All right, you will sign this.

Raise your right hand. Do you swear to the truth of the contents of the foregoing affidavit, to the best of your knowledge and belief, so help you God?

MR. CASEY: Yes, I do.

THE COURT: Actually it is an application, rather than an affidavit?

MR. CASEY: Yes, sir. And this is the proposed order.

THE COURT: Is there anything unusual about the proposed pen register order?

MR. CASEY: No, sir.

MR. COFFEY: I think it is pretty standard, your Honor.

THE COURT: Apparently there is only one telephone number assigned at this street address; is that correct?

MR. CASEY: Yes, sir.

THE COURT: All right.

MR. COFFEY: Your Honor, the final thing is, as I indicated, the order of the Southern New England Telephone Company. They require a copy of the order as signed. And of course the Court will

have to keep the original, so I will ask to -- we will have to make an immediate Xerox copy.

THE COURT: This is for the pen register device, or what?

MR. COFFEY: This is for whatever assistance is necessary from the Southern New England Telephone Company. It doesn't really state what they are to do. Whatever the FBI requires them to do in the way of trying --

THE COURT: All right. Do you want to make copies of those, do you?

MR. COFFEY: I think just this one page order to the Southern New England Telephone Company.

THE COURT: Have we concluded now with our hearing?

(The proceedings were recessed and resumed at 3:20 p.m.)

THE COURT: It is now 3:20 p.m., December 16, 1974.

Counselor, did you wish to be heard further?

MR. COFFEY: Your Honor, I have a proposed appendix to our order for wire or oral interception, and the proposed appendix would merely state that at 10:00 p.m. of which day if one of the individuals named in the order are still on the premises, and in

addition thereto, if gambling conversations have been intercepted that day on the premises, that at that time conversations may be monitored until the premises are vacated.

THE COURT: Very well. The appendix is approved as to form and content, and the Court will authorize the amendment.

I presume these papers should be ordered sealed now, now that the matter has been concluded, until such time as the report is made to the Court on the 20th?

MR. COFFEY: Yes, your Honor. In fact, I think our normal practice is to seal all papers until further order of the Court, which is usually after -- if the interceptions are successful -- and the indictment is returned.

And we would ask that the stenographic notes of Mr. Sperber also be sealed.

THE COURT: Very well. That is granted and so ordered.

(Whereupon, the proceedings were concluded.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

*
IN THE MATTER OF APPLICATION OF *
THE UNITED STATES FOR AN ORDER *
AUTHORIZING THE INTERCEPTION OF *
WIRE AND ORAL COMMUNICATIONS *

DECEMBER 16, 1975
Hartford, Connecticut

COURT REPORTER'S TRANSCRIPT CERTIFICATE

I hereby certify that the foregoing is a
true and correct transcript of my stenographic notes,
reduced to typewriting under my direction.

Official Court Reporter

COPY

JUN 3 11 22 AM '76

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA :
V. : CRIMINAL NO. H-76-37
ANTHONY D. VOLPE, ET. AL. :

RESPONSE OF UNITED STATES
TO MOTIONS FOR SEVERANCE

The defendant WILLIAM GRANT has requested this Honorable Court to sever, for trial, all counts from him in the indictment except Count Three, the illegal gambling business (18 U.S.C., §1955). As an alternative, defendant GRANT seeks to have the case against him severed completely from all other defendants. As grounds for the requested severance, defendant argues that the evidence of extortion, obstruction of justice and debt collection on counts in which he is not a defendant will prejudice him in the eyes of the jury since he is only charged with participating in the illegal gambling business. GRANT also complains that the proof against his co-defendants, presumably in the gambling count, is "far more damaging" than the proof as against him, causing him alleged additional prejudice. For these reasons, he seeks a severance under both Rule 8(a) and (b), F.R.Cr.P.

Co-defendants RICHARD BOVINO, CHARLES BOORNAZIAN, JOHN DELLA FERRA, JOHN CASTAGNA, JOHN LEPITO, GEORGE SPEZIALE, RALPH IRACE, EUGENE POULIN, ROBERT E. MORRIS, ANDREW MASCOLA, and MICHAEL CHIARIZIO seek similar severances for basically the same reasons as stated by GRANT. Most of them specifically adopt GRANT's memorandum in support of the severance motion. Defendant FRANK CECCHINI seeks a severance for the added reasons that he will be denied a speedy trial as a result of the number of defendants involved and because he fears that statements of co-defendants will be used against him. And defendant FRANCIS J. CAMPANELLE,

80

who is named in Count Seven, an extortionate credit transaction, seeks a severance from the other seven counts, but has reserved a showing of prejudice pending discovery and inspection.

Rule 8(a), F.R.Cr.P., allows in part the joinder of offenses where the offenses "are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a common scheme or plan". Rule 8(b), F.R.Cr.P. allows in part the joinder of two or more defendants if said defendants participated "in the same series of acts or transactions constituting an offense or offenses". Rule 8(b) also provides that all of the defendants need not be charged in each count. For the reasons set forth below, the motions for severance should be denied.

The nub of this multi-count, multi-defendant indictment is the illegal gambling and debt collection business conducted in part at 103 New Britain Avenue. We ask the Court to take note of the fact that while only ANTHONY D. VOLPE and MICHAEL T. O'BRIEN are named as defendants in Counts One and Two (18 U.S.C., §1962(c) and (d), hereinafter referred to at times as the "RICO counts"), the overt acts committed in furtherance of the RICO conspiracy charged in Count Two were performed by co-defendants in Counts Three and Four (the illegal gambling business counts, hereinafter referred to at times as the "IGB counts") and the defendants in Counts Five, Six, and Seven (the extortionate credit transactions, hereinafter referred to at times as the "extortion counts"). While the indictment at first glance may appear to charge unrelated criminal acts or may appear to join offenses of disparate severity and penalties, the government contends that the evidence at trial will show that all of the criminal acts charged in Counts One through Eight were performed to further, or to protect some aspect of, the illegal gambling and debt collection business being conducted by the defendants in the IGB counts. The extortion alleged in Count Seven

8/12

involved the attempted collection of a gambling debt owed by George Demirs to LAWRENCE DI BENEDETTO, who will be shown to have been an integral part of the illegal gambling business in the IGB counts. The extortions alleged in Counts Six and Seven, involving attempted collections of gambling debts owed by Robert Hames and Joseph Barresi to MICHAEL T. O'BRIEN, will be shown to have involved debts to the gambling business alleged in the IGB counts. The obstruction of justice count (Count Eight) specifically charges that ANTHONY D. VOLPE sought to induce one Betty Beaulieu not to testify as to her knowledge, in part, of the illegal gambling business being conducted at 103 New Britain Avenue. We also ask the Court to take judicial notice of Connecticut General Statutes, Title 53, Section 278(b), under which the gambling business alleged in the IGB counts was and is illegal under the laws of the State of Connecticut. Collection of a debt incurred through illegal gambling, therefore, could not be accomplished in the courts of this District or state. Since it is axiomatic that any financial business, to be successful, must provide for collection of its accounts receivable, and since the government will establish that the IGB defendants knowingly engaged in an illegal business which by its very nature created numerous debts that could not be legally enforced, we shall establish that threats of violence or force were the primary means by which the business ensured itself against large uncollected debts. As further evidence of this fiscal, if illegal, fact of life the government will introduce a recorded gambling conversation between IGB co-defendant MICHAEL T. O'BRIEN and one Donald Montano, wherein O'BRIEN tells Montano that an unidentified debtor owes a lot of money and is, "in a lot of trouble". O'BRIEN observed that the end result would be that he, O'BRIEN, would have to "split his (the debtor's) f_____ head open", to which Montano replied that splitting heads only results in blood, not payment. O'BRIEN, always the businessman, then responded, "Now, we get it, we get it. That's why I don't have any of them customers

82

anymore". Later on, in the same context, O'BRIEN observed that collecting debts "the old way" was the "only way we survive over here".

In United States v. Bernstein, ___ F.2d ___ (2d Cir. 1976), Slip. Opin. 941 (March 4, 1976), the Second Circuit noted that the ultimate question in a severance issue is "whether the number of defendants and complexity of the case prevents the jury from appraising the independent evidence against each defendant and meting out individual justice under the law". In Bernstein, supra, one defendant, Cardona, complained of prejudice in an indictment charging him with a conspiracy to defraud the Federal Housing Authority and a substantive crime of false statements under Title 18, United States Code, §1010. A co-defendant was charged as well with the substantive crime of bribery under Title 18, United States Code, §201. The Court affirmed the convictions, stating:

"This is not the first time we have been presented with a single conspiracy in the furtherance of which different crimes were committed, or, indeed, in which one co-conspirator joined in one of the illegal objects of the conspiracy but not in others Judge Travia charged the jury that it could find Cardona to be a member of the conspiracy if the scope of his agreement included one of the objects of conspiracy, provided that the jury first found that the single conspiracy charged did exist and that the scope of agreement made by at least two of the conspirators included both objects of the conspiracy (citations omitted; emphasis supplied). Id.

The Bernstein court also observed that the conspiracy involved therein was extraordinarily hard to prove except by bits and pieces, the severance of which would have broken it down into too many fragments and made it incomprehensible to the jury. In the case at bar, the government will establish that O'BRIEN and VOLPE, not to mention their strong-arm-men such as unindicted co-conspirator Ronald DelMastro, intended violence, and the threat thereof, to be part and parcel of their illegal gambling business, of which the IGB defendants played a major role.^{1/}

^{1/} See, United States v. Nakaladski, 481 F.2d 289, 296 (5th Cir. 1973), in which the Fifth Circuit approved evidence of uncharged extortionate acts, in an extortion case, to show (1) motive and intent, (2) method of business and overall modus operandi, and (3) the existence of a general conspiracy of which the conspiratorial and substantive offenses were integral parts.

83

United States v. Haley, 452 F.2d 391, 396 (8th Cir. 1971), cert. denied, 405 U.S. 978 (1971)(narcotics case where the defendants threatened the use of force; held: "Furthermore, the government had a right to prove as part of the overall conspiracy that the defendants planned the use of violence to enforce their sales. This was part of their overall modus operandi".)(citations omitted).

The analogy we make between the defendants' alleged illegal gambling business and practices in the legitimate financial world is not a novel one; courts have consistently used this analogy, frequently in fact in narcotics conspiracies, to define complex conspiracies where some participants do not know the identities, or activities, of other participants, but where the former are held responsible for the latter's activities nonetheless when the nature of the illegal business depends on the assistance of others and such acts are performed to further the overall business. In United States v. Mallah, 503 F.2d 971, 976 (2d Cir. 1974), cert. denied, 420 U.S. 995 (1975), a narcotics conspiracy, the Second Circuit observed:

"As in a firm with a real estate department and an insurance department, the fact that partners bring in two kinds of business on the basis of their different skills and connections does not affect the fact that they are partners in a more general business venture. Each of the defendants must have been aware that he was participating in a scheme in which there were many suppliers and purchasers of both heroin and cocaine. The jury is entitled to find that the defendants belonged to the same firm." See also, United States v. Calabro, 467 F.2d 973, 982-83 (2d Cir. 1972), cert. denied, 410 U.S. 926 (1973); United States v. Cirillo, 468 F.2d 1233, 1239 (2d Cir. 1972), cert. denied, 410 U.S. 989 (1972)(a defendant, once found to have been a member of the conspiracy, whatever his level of participation, may be criminally responsible for the acts of persons of whose existence he is unaware.); United States v. Bynum, 485 F.2d 490, 496 (2d Cir. 1973) vacated on other grounds, 417 U.S. 903 (1974).

The use and threat of violence in the instant case are not unrelated acts of a defendant designed to accomplish an objective totally removed from the IGB counts. The extortionate acts were performed to

84

collect gambling debts owed to one of the IGB defendants, a fortiori to the business itself. This will be borne out, for example, by the evidence in Count Five that VOLPE assisted in the planned use of threats against a debtor who owed a gambling debt to defendant DI BENEDETTO, a/k/a "Hammer", who in turn engaged in "lay-off"^{2/} activity with O'BRIEN, who controlled the overall operation with VOLPE. We also intend to establish by testimony at trial that the relationship between bookmakers in an operation, in order for lay-off wagering to run smoothly, depends upon the success of each bookmaker to function profitably and thus be in a position to accept wagering activity from each other. Obviously, bookmakers who are as central to an illegal gambling and debt collection business as O'BRIEN and his associates at 103 New Britain Avenue, cannot provide the necessary assistance to their confederates in other parts of metropolitan Hartford if large gambling debts go uncollected. If a defendant has knowingly participated in a gambling business where gambling debts are routinely collected and others in the same business periodically use threats or violence to collect business debts, then evidence of the latter's collection practices are admissible against the former to unravel that business in all its aspects. The collection of wagering debts in a lay-off bookmaking operation is every bit as essential to and indicative of that business as the wagers themselves. In United States v. Bynum, supra, at p. 498, defendants complained that a severance was unfairly denied them because some of their co-defendants planned crimes of violence, including robberies and murder, relating to a drug conspiracy. This "spill-over" argument in Bynum is essentially

^{2/} A "lay-off" wager, in its simplest terms, occurs when "bookmaker A" passes to another bookmaker part, or all of a wager that "bookmaker A" received from a bettor. This usually is done when "bookmaker A" receives a wager which exposes him to financial loss, if the wager is successful, because of a heavy imbalance of wagers on one team.

the same claim made here as well. In one of the planned acts of violence, several conspirators, desperate to obtain new sources of heroin, planned to rob one Carlin, a drug dealer, and shoot him for good measure. Other defendants were going to burglarize an apartment to obtain money in order to purchase heroin. Finally, several defendants were going to kill a policeman, Wollack, in order to silence a suspected informant and "preserve the viability of the conspiracy".^{3/} The Second Circuit held that these planned robberies and murder were not "other crimes" at all, but were "part and parcel of a single conspiracy charged in the indictment". Id. With respect to the severance complaints of co-defendants who did not participate in the planning of these violent acts, the Court observed that they (the suppliers of the narcotics) were aware that there was a drug shortage and, as a result, the fact "that the 'core group' would resort to violence to secure hard drugs or to protect the venture, could hardly be unanticipated or unexpected". Id. See also, as cited in Bynum, United States v. Rodriguez, 284 F.2d 863, 867 (5th Cir. 1960), cert. denied, 368 U.S. 1001 (1962). The situation is no different in the case at bar. The remedy for any alleged "spill-over" of prejudice arising from obviously relevant testimony and evidence of the totality of the gambling business, of which each defendant was a part, is a careful instruction to the jury by the Court as to the basis for which the evidence is submitted to them. Bernstein, supra.

Defendant CECCHINI also seeks a severance on the ground that a joint trial will deny him a speedy trial. There is no factual basis alleged or shown upon which this claim can be evaluated. The District

^{3/} Compare the approved admissability of this evidence of planned murder with the comparatively mild attempt by defendant VOLPE to induce Beaulieu to absent herself from the District during grand jury proceedings.

86

of Connecticut, and this Court, have drafted and greatly implemented already a Plan for Speedy Trial which will provide each defendant a trial within, at most, several months. The government, by existing judicial fiat, must be ready for trial within six months from the date of the indictment. The local Rules for Prompt Disposition of Criminal Cases specifically exclude a maximum period for consideration of motions of a defendant or co-defendant to whom he is properly joined. There is no indication whatsoever that joinder of the co-defendants would or will result in a delayed trial. We wish, in this context, to address ourselves to any concern that the mere number of defendants in this case is so large as to make trial of all defendants impracticable. We feel that a joint trial can and should be held. The Court will note that the extortion counts only add, numerically, three additional defendants. The RICO counts and the obstruction of justice count name two defendants (VOLPE and O'BRIEN) who are to be tried in the IGB counts anyway and, as we have already argued, as to them the evidence of the extortion and obstruction of justice would be admissible just on the IGB counts-without the RICO or extortion charges - on the issues of intent, motive and modus operandi. The trial of the other IGB defendants would and will come down to the same evidence and would not be appreciably shortened by a severance of the other counts or defendants. To grant a severance at this time, solely on the size of the case, assuming the relevancy of the evidence of the extortions is shown, would assume that all defendants will proceed to trial. With due respect to the defendants' pleas of innocence at this time, it is the common experience in Section 1955 cases in this and other Districts that actual trials rarely involve all or even most of the defendants charged.

We submit, therefore, that the proffered theory of proof as advanced by the government, and the early stages in which this case rests, dictate that the motions for severance should be denied at this

time. Should events leading up to or at trial indicate a different course, the motions can always be renewed. For practical measures and economy of court time and resources, a severance at this time could prove unwise. The overall case involves a wiretap, anticipated attacks against which will have features common to all defendants. Wiretap suppression hearings, as this Court knows, can be lengthy and complex. A severance at this stage may cause identical issues or hearings to be held or argued two or more times. It is almost certain that each defendant will have an additional point or different angle to pursue in such a hearing, which could well require several hearings, and the recall of witnesses should a severance be granted - even if the first hearing is considered to be "the law of the case".

The motions should be denied.

UNITED STATES OF AMERICA

PETER C. DORSEY
United States Attorney

BY: *Paul E. Coffey*
PAUL E. COFFEY
Special Attorney
U.S. Department of Justice

C E R T I F I C A T I O N

This is to certify that copies of the foregoing Response have been mailed postage prepaid, this 3rd day of June, 1976 at Hartford, Connecticut, to all counsel of record.

Paul E. Coffey
PAUL E. COFFEY
Special Attorney
U.S. Department of Justice

88

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

Docket Nos. 77-1313
77-1317
77-1344
77-1347
77-1350
77-1355
77-1367
78-1033
78-1082
78-1083
78-1084
78-1085
78-1090

UNITED STATES OF AMERICA

Appellee

v.

ANTHONY D. VOLPE, MICHAEL T. O'BRIEN,
LAWRENCE DiBENEDETTO, JOHN T. DELLA FERRA,
CHARLES BOORNAZIAN, EUGENE POULIN, WILLIAM
JACOMINI, RICHARD BOVINO, ROBERT E. MORRIS,
FRANK CECCHINI, GEORGE SPEZIALE, and
JOHN LEPITO

Appellants

UNITED STATES OF AMERICA

Appellee

v.

ANTHONY D. VOLPE and
DENNIS BYRNE

Appellants

UNITED STATES OF AMERICA

Appellee

v.

ANNE STEFANOU

Appellant

A F F I D A V I T

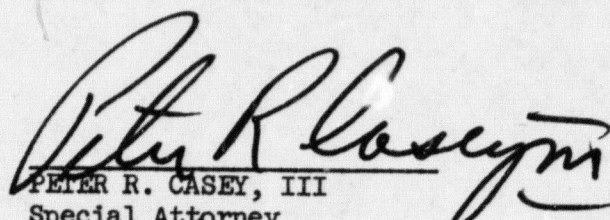
I, Peter R. Casey, III, being duly sworn, depose and say:

1. I am a Special Attorney for the United States Department of Justice, assigned to the District of Connecticut.

2. As part of my official duties, I represent the Appellee, the United States of America in the above-captioned matter.

3. I hereby certify that copies of the Appellee's Supplemental Appendix were sent to all counsel of record, in the above-captioned

matter, on June 1, 1978.


PETER R. CASEY, III
Special Attorney
U.S. Department of Justice

Subscribed and sworn to before me this 2nd day of June, 1978
at Hartford, Connecticut.


VICTORIA A. ROSCHEFSKY
NOTARY PUBLIC
MY COMMISSION EXPIRES MARCH 31, 1980